

This Portion contains the following comment letters:

Local Organizations

Letter O	Chula Vista Elementary School District	PR-116
Letter P	Jackie McQuade, Grandparents of America, Chula Vista Chapter	PR-121
Letter Q	Sweetwater Community Planning Group	PR-124
Letter R	Friend of Bonita/Sunnyside, Friends of Bonita Meadows	PR-126
Letter S	California Transportation Ventures	PR-127
Letter T	Berkowitz, Lichtstein, Kuritsky, Guisullo & Gross, LLC	PR-133
Letter U	The Corky McMillin Companies	PR-139
Letter V	Orrick	PR-141
Letter W	Crossroads	PR-150
Letter X	Sierra Club	PR-161

RESPONSE



CHULA VISTA ELEMENTARY SCHOOL DISTRICT

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • 619 425-9600

EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

BOARD OF EDUCATION October 18, 2005

CHERYL S. COX, Ed.D.
LARRY CUNNINGHAM
PATRICK A. JUDD
BERTHA J. LÓPEZ
PAMELA B. SMITH

SUPERINTENDENT
LOWELL J. BILLINGS, Ed.D.

Mr. Mark Stephens
Principal Planner
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

RECEIVED

OCT 20 2005

Re: Re-Circulation of Draft General Plan Update, Otay Ranch GDP Amendments, and related Draft EIR

Dear Mr. Stephens:

Thank you for the opportunity to review and comment on the re-circulation of the draft general plan update as noted above.

Please be advised that the Chula Vista Elementary School District (the "District") first commented on the City of Chula Vista General Plan Update on March 1, 2005. Your response to our letter was received July 19, 2005. Copies of both of these letters are enclosed for your reference.

O-1 The District's major concern and challenge continues to be housing new students brought on by growth in the eastern part of the City and the redevelopment in western Chula Vista. The District remains optimistic that the City will do everything possible to help identify and acquire school sites as needed and that mitigation will be established before projects receive final approval.

We look forward to continued collaboration with the City of Chula Vista on this most important issue.

If additional information is needed, please give me a call at (619) 425-9600, Extension 1373.

Sincerely,

Susan Fahle
Assistant Superintendent
for Business Services & Support

SF:dp
Enclosures (2)

O-1 These comments do not reflect on the adequacy of the EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.



July 19, 2005

CHULA VISTA ELEMENTARY
SCHOOL DISTRICT

JUL 22 2005

PLANNING DEPARTMENT

RESPONSE

Ms. Susan Fahle
Assistant Superintendent for Business Services and Support
Chula Vista Elementary School District
84 East J Street
Chula Vista, CA 91910

RE: CITY OF CHULA VISTA GENERAL PLAN UPDATE

Dear Ms. Fahle:

O-2 This letter is in response to your letter dated March 1, 2005, regarding the "City of Chula Vista Draft General Plan". Thank you for your comments. I will respond below to the concerns and questions you raised.

The City recognizes that your planning for school capacity is based upon detailed demographic analyses and that neighborhoods change over time. As a consequence, your planning efforts are based on conservative assumptions in order to insure adequate services for the community through the neighborhood lifecycle.

Two of your points deal with the difficulty to accommodate growth in the northwestern portion of Chula Vista in regard to finding additional school sites and identifying adequate financing. The City does provide for this in the General Plan.

First, the General Plan Diagram will have a footnote on the diagram clarifying that there may be a need to site an elementary school in northwestern Chula Vista. In the eastern portion of the city, a "floating" symbol is used on the diagram to denote the location of a future school in a certain vicinity of large, undeveloped areas. However, we do not do this in the west, as we wish to avoid the situation where current property owners may misinterpret a floating symbol as indicating their property may be taken for a school site.

In addition, the plan includes the following policy:

PFS 9.3 Assist school districts in identifying and acquiring school sites for new construction in needed time frames.

In regards to financing, the City is ready to facilitate the District's efforts to finance new schools to the fullest legal extent of the City's ability to do so. The plan includes the following policy:

O-2 This attachment reflects correspondence between the City and the CVESD. This comment does not address the adequacy of this EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.

PR-117

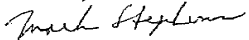
Ms. Susan Fahle
July 19, 2005
Page 2

PFS 9.4 Assist school districts in identifying sources of funding for the expansion of facilities in western Chula Vista as needed based on growth.

We look forward to continuing to work with the School District to support your efforts to provide school services to the community.

Please let me know if you wish to discuss these items further or have additional concerns. My direct extension is (619) 409-5959. Also, please note that we currently plan to release a revised Draft EIR on the General Plan Update and General Development Plan Amendment for public review by the first of August.

Sincerely,



Mark Stephens
Principal Planner

cc: Jim Sandoval
Nancy Lytle
Ed Batchelder
Dan Forster
Duane Bazzel
Rick Rosaler
Jeff Barfield
Luis Hernandez
Marilyn Pongeggi
Steve Power
Lori Madigan
Dana Smith
Jim Hare
Mary Ladiana
John Mullen

H:/Planning/General_Plan/Draft_Elements/GPU_CVESD_Response_Letter_07-06-05.doc



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CHULA VISTA ELEMENTARY SCHOOL DISTRICT

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • 619 425-9600

EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

March 1, 2005

Mr. Mark Stephens
Principal Planner
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

Re: City of Chula Vista Draft General Plan

Dear Mr. Stephens:

O-3

Thank you for the opportunity to review and comment on the draft general plan for the City of Chula Vista.

The City of Chula Vista's rapid eastern growth and changing identity in the West provides challenges for the Chula Vista Elementary School District due to high land and construction costs, limitations on eligibility and funds for school construction, and changing demographics.

At the same time that nine hundred new students arrived for school in eastern Chula Vista neighborhoods, the District experienced a decrease of 600 students in more established areas. These 600 students represent the entire population of a small elementary school. It might seem that the City's redevelopment program will reduce student populations in western Chula Vista, and temporarily that may be the observable outcome, but we are not confident that the reduction in student enrollment will continue long term. As we have all noted, neighborhoods go through cycles: families with small children buy a home; the children grow and leave the home; later the grown children may return with children of their own; eventually the parents may sell the home; and, a new young family arrives with their own small children. The District needs to plan for the maximum number of students that a neighborhood will generate at the height of its life cycle.

For us the proposed development in northeastern Chula Vista will be the most challenging aspect of this plan. This area is not one where the student population is declining. The new housing will require additional school capacity. We anticipate a solution that will require additional school sites, expansion of existing campuses, and possibly some reconstruction of existing facilities. The District currently has no land to build schools to accommodate children from the proposed mixed-use projects. We will look

RESPONSE

O-3 This attachment reflects correspondence between the City and the CVESD. This comment does not address the adequacy of this EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.

11/19/2004 10:00 AM
Page 2
Mark Stephens
March 1, 2005

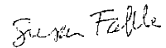
to the City for assistance in locating school sites in this planning area. Though we support the City's plan for redevelopment, we must highlight the importance of mitigating the impact of this growth on the school system. It is essential that a mitigation agreement is completed before the projects receive final approval.

While bringing many new students to our District, eastern Chula Vista is a lesser challenge due to good planning and the collaboration of the area developers. The SPA Plans for eastern Chula Vista (Otay Ranch) generally have designated elementary school sites to serve children from the new developments. The developers of Villages in Otay Ranch have been willing to form community facilities districts (CFDs) to help finance the needed schools. We will continue to encourage participation in CFDs, in lieu of paying the statutory fee of \$1.89 per square foot of assessable construction, as development in the remaining villages is planned.

The District has built seven new elementary schools during the years 2000 - 2004 and is currently constructing School No. 43. With City development still on the rise, the District appreciates the advance notification from the City regarding new development whether in the eastern or western area of Chula Vista so that we can plan for boundary changes and/or new schools.

If additional information is needed, please give me a call at (619) 425-9600, Extension 1371.

Sincerely,



Susan Fahle
Assistant Superintendent
for Business Services and Support

SF:dp

cc: Lowell J. Billings, Superintendent

October 28, 2005

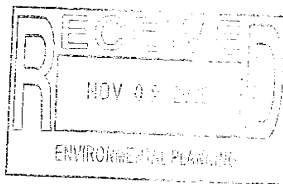
To the Chula Vista EIR-GPU staff:

In my opinion, the EIR for the General Plan Update is inadequate in at least three areas:

- P-1
1. Re: **WATER**: The GPU-EIR, I believe, is patently inadequate on the issue of water supply. With a projected population growth of forty percent in northwest Chula Vista alone, the EIR contains no discernible plan for meeting water needs. The language which is supposed to address the water supply issue is so vague that it is meaningless. Approving the EIR without more sufficient planning for water supply is, I believe, unwise and definitely not in the best interests of Chula Vistans.
 2. Re: Revitalization of western Chula Vista. Translate as: **Gentrification**. No provisions are mentioned in the GPU-EIR regarding **relocation** of fixed-income Chula Vistans when their homes are torn down and replaced with luxury housing, affordable only to wealthy out-of-state'rs who wish to commandeer Chula Vista as their personal playground. And how many "mom-and-pop" businesses will be bulldozed? The abuse of Eminent Domain laws in order to dump the poor and serve the rich is not an appropriate goal, nor even an acceptable "accidental result", of a General Plan Update.
 3. Re: Environmental impact of proposed **highrises** in Chula Vista: At the 9/21/05 Developer Expo sponsored by the city, five land parcels on Third Avenue, E Street and Landis Avenue were reviewed. Numerous citizens stated their opposition to highrises ANYWHERE in Chula Vista. At the Expo and a few days prior, I collected signatures of Seniors and others who strongly support a 45 foot height limit for future building in west Chula Vista. We support **low-rises**. NOT mid- or highrises. Because these signatures were collected over a period of only a few hours, it is my belief that thousands of similar signatures could be obtained in a very short period of time. Also, I am clarifying, on record, that it is not a matter of a project at Fourth and H Streets, or in the H Street corridor, or in any other "corridor". A sizeable number of Chula Vistans do not believe skyscrapers are appropriate for this city. Thus we urge the city planners to completely delete zoning for highrises in the General Plan Update.

Signed:

Jackie McQuade
Jackie McQuade
Grandparents of America, Chula Vista Chapter
339 East J Street
Chula Vista, CA 91910



RESPONSE

- P-1
- The City of Chula Vista has protective measures in place regarding water supply and distribution. The goal of the City of Chula Vista's Growth Management Program is to ensure that the supply of water required by existing and future residents is available from suppliers and is at a level of quality necessary for its intended use. The Growth Management Program has two objectives regarding water supply and distribution: (1) Ensure that adequate storage, treatment, and transmission facilities are constructed concurrently with planned growth; and (2) Ensure that water quality standards are not jeopardized during growth and construction.

The Chula Vista Growth Management Ordinance, Municipal Code Section 19.09.050C, requires a Water Conservation Plan (WCP) to be submitted with all Sectional Planning Area (SPA) Plans. If a SPA Plan is not required, a WCP is required to be submitted with Tentative Subdivision Maps. The Growth Management Program further requires that a Water Conservation Plan be submitted for all major development projects, defined as residential projects consisting of 50 dwelling units or greater, or commercial and industrial projects with 50 Equivalent Dwelling Units (EDUs) of water demand or greater.

The City of Chula Vista also ensures that an adequate supply and quality of water is provided to accommodate new master planned developments, prior to project approval, by implementing a set of project processing requirements for applicants to follow through each stage of development. Processing requirements for General Development Plans, Sectional Planning Area Plans/Public Facilities Finance Plans and Tentative Maps.

The dEIR concluded that there was not a guaranteed supply of water to serve the City upon buildout of the General Plan Update, and identified that constraint as a significant and unmitigable impact. As part of the discussion of water availability, the dEIR discussed the role of the San Diego County Water Authority and the Urban Water Management Plan (UWMP) in forecasting and planning for water needs.

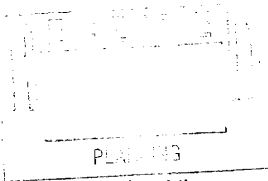
The Urban Water Management Plan prepared by the San Diego County Water Authority included an increment of supply resulting from the transfer of water from the Imperial Irrigation District (IID). The agreement that provides for that water transfer is being challenged on two fronts. A group of farmers and the Imperial Valley Board of Supervisors is challenging the agreement. In addition, environmental groups are challenging the lining of the All American Canal in federal court. Lining of the canal is required to prevent leakage and make water available for the San Diego water transfer (Los Angeles Times Nov. 7, 2005).

In light of these cases, the assumption that the IID water transfer water will be available is questionable for use in the dEIR. Because the dEIR concluded that there is no guaranteed source of water guaranteed, this limitation is immaterial to the analysis in or the conclusion of the dEIR.

Figure 2
Sweetwater Community Planning Area
Roadway Segment Level of Service and Average Daily Traffic Volumes

October 28, 2005

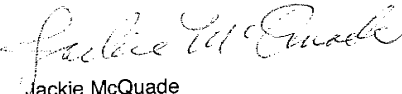
To the Chula Vista EIR-GPU staff:

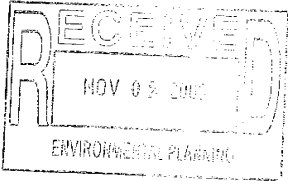


In my opinion, the EIR for the General Plan Update is inadequate in at least three areas:

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- P-2 2. Re: Revitalization of western Chula Vista. Translate as: **Gentrification**. No provisions are mentioned in the GPU-EIR regarding **relocation** of fixed-income Chula Vistans when their homes are torn down and replaced with luxury housing, affordable only to wealthy out-of-state'rs who wish to commandeer Chula Vista as their personal playground. And how many "mom-and-pop" businesses will be bulldozed? The abuse of Eminent Domain laws in order to dump the poor and serve the rich is not an appropriate goal, nor even an acceptable "accidental result", of a General Plan Update.
- P-3 3. Re: Environmental impact of proposed **highrises** in Chula Vista: At the 9/21/05 Developer Expo sponsored by the city, five land parcels on Third Avenue, E Street and Landis Avenue were reviewed. Numerous citizens stated their opposition to highrises ANYWHERE in Chula Vista. At the Expo and a few days prior, I collected signatures of Seniors and others who strongly support a 45 foot height limit for future building in west Chula Vista. We support **low-rises**. NOT mid- or highrises. Because these signatures were collected over a period of only a few hours, it is my belief that thousands of similar signatures could be obtained in a very short period of time. Also, I am clarifying, on record, that it is not a matter of a project at Fourth and H Streets, or in the H Street corridor, or in any other "corridor". A sizeable number of Chula Vistans do not believe skyscrapers are appropriate for this city. Thus we urge the city planners to completely delete zoning for highrises in the General Plan Update.

- P-2 See Response to Comment M-5. The EIR does not address socioeconomic effects of the proposed project. CEQA limits the discussion of environmental impacts to physical changes in the environment. While the CEQA guidelines indicate that socioeconomic effects can be used to determine the significance of an impact, they are not to be considered as an environmental effect.
- P-3 This comment does not reflect on the adequacy of the EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.

Signed: 
Jackie McQuade
Grandparents of America, Chula Vista Chapter
339 East J Street
Chula Vista, CA 91910

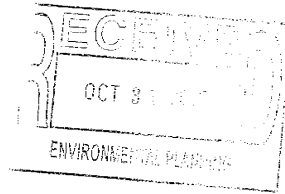


SWEETWATER



Community
Planning
Group

October 27, 2005



Steve Power, AICP
Environmental Program Manager
City of Chula Vista
276 Fourth Ave
Chula Vista, CA 91910
RE: Chula Vista 2020 Update RDEIR

Dear Mr. Power,

Please accept these comments on the RDEIR.

- Q-1 We are concerned about the potential strains that increasing population places upon public infrastructure under the "Preferred Plan." We appreciate that policies "GM 1.1, 1.5, 1.9, and 1.11" attempt to compensate for public infrastructure and service demands created by new development.ⁱ However, existing and projected failing Levels of Service (LOS) in the transportation network under the "Preferred Plan" create serious doubts that growth demands will be met adequately.
- Q-2 The range in LOS predicted for SR-54 and SR-125 also creates concern that neither local nor regional growth impacts are sufficiently understood or mitigated for. For example, traffic models in the County 2020 Updateⁱⁱ predict LOS "A-C" for SR-54 & SR-125 while Table 5.10-4 in the RDEIR for the City 2020 Update predict LOS "F." Models that predict the entire range of potential outcome demonstrate how tenuous the foundation is for long range planning.
- Q-3 The City's existing failure to meet basic standards in acres of parkland available per resident also demonstrates that meeting public infrastructure demand is a challenge in many areas. Although the City standard is three acres of parkland per resident, Table 5.13-13 shows only 1.95 acres available overall with serious parkland deficits in both the northwest and southwest sectors of the city.ⁱⁱⁱ
- Q-4 The reality is that the current pattern of growth and impact fees has not provided enough public infrastructure to meet basic standards. Demand strains the infrastructure of both Chula Vista and neighboring communities.

- Q-1 The proposed General Plan Update is specifically intended to provide for the orderly growth of the city of Chula Vista, define the limits to that growth, and act as a mechanism to accommodate and control future growth. Development permitted by land use policy would provide needed housing for all income levels, create compact and pedestrian-friendly urban development, and protect natural resources. As indicated on Page 373 of the dEIR, many of the traffic improvements are operational in nature, and will improve arterial progression during the peak commuting hours. This is likely to translate into higher vehicles speeds and possibly an improvement in LOS on certain segments. While operational improvements will not increase the 24-hour capacity of a segment, which is based on the number of lanes, they will improve traffic flow and reduce peak hour congestion. Operational improvements would reduce impacts but not to a level less than significant. If the City Council decides to adopt the Preferred Plan, the adoption of a Statement of Overriding Considerations for these impacts will be required.
- Q-2 The travel demand forecast developed for the General Plan update is based on the most current series of SANDAG employment and population forecasts, the transportation network contained in the Regional Transportation Plan, and the current horizon year 2030. The model results correlate closely with SANDAG modeling results based on similar assumptions.
- Q-3 This comment addresses available parkland deficiencies in western Chula Vista. The Chula Vista Municipal Code, Section 17.10 (the Park Development Ordinance – PDO) applies a standard of 3 acres of park land for every 1,000 people to all new development. Since the park demand forecast as resulting from the adoption of the Plan or any of the Scenarios results from population associated with new development, compliance with the PDO assures provision of 3 acres of dedicated park land for every 1,000 people for all new development.

It should be noted that the park requirement is citywide and can be met anywhere in the city. While the change in population resulting from the proposed General Plan Update stems from land use changes in the Update Areas, the park need can be met in other areas of the city.

- Q-4 These comments refer to the General Plan Update's policies and do not reflect on the adequacy of the EIR. The comment, however, will be forwarded to the appropriate City decision making body. Comment noted.

RESPONSE

If the City chooses to accommodate substantial population growth and densification, then new policies that promote and pay for patterns of growth that will de-emphasize the automobile should be implemented.

- Q-5 For example, all redevelopment within park deficient sectors of the city should be required to include public spaces to the greatest extent feasible. Creating public spaces or neighborhood parks with a sense of place and then linking them with pedestrian or bicycle paths and public transportation can reduce rather than induce vehicle trips.
- Q-6 Please include a new policy that states, "Redevelopment within park deficient areas of the city shall include provisions for public spaces, mini-parks and non-motorized pathways to the maximum extent feasible."
- Q-7 Another potential way to reduce the number and length of vehicle trips is to enhance existing parks and open spaces to encourage recreation closer to home. Implementing the proposal to convert Proctor Valley Road into a Multiuse Trail through the Bonita Meadows Open Space Preserve can create a sense of place that both new and existing development will want to utilize. By enhancing the 200-acre Bonita Meadows Preserve, many would be able to recreate without using a vehicle at all. Increased recreation close to home provides greater opportunity to reduce lengthy vehicle trips.

Commercial development that emphasizes plazas and mixed uses rather than auto-dominated strips can also mitigate the impacts of increasing population.

Thank you for considering these comments,



Co Chair Sheri Todus

ⁱ GM 1.1: Maintain a set of quantitative level-of-service measures (growth management "threshold standards"), as a tool to assess the relative impact of new facility and service demands created by growth, and apply those standards, as appropriate, to approval of discretionary projects.

GM 1.5: As part of the Growth Management Program, conduct an ongoing Development Monitoring Program focused on new development activity and related infrastructure and public facility construction to determine compliance with Threshold Standards and other City policies and programs.

GM 1.9: Require that all Major Development projects prepare a Public Facilities Financing Plan (PFFP) that articulates infrastructure and public facilities requirements and costs and funding mechanisms.

GM 1.11: Establish the authority to withhold discretionary approvals and subsequent building permits from projects demonstrated to be out of compliance with applicable Threshold Standards.

ⁱⁱ County of San Diego GP2020, Figure 2 Sweetwater Community Planning Area, Roadway Segment Level of Service and Average Daily Traffic Volumes

ⁱⁱⁱ **TABLE 5.13-13**

PUBLIC PARK ACREAGE PER POPULATION (YEAR 2004)

Planning Area Park Acres Population Park Acres/1,000 Population

Bayfront	26.77	0 -	
Northwest	42.72	56,931	0.75
Southwest	57.92	53,562	1.08
East	279.95	98,707	2.84
TOTAL	407.36	209,200	1.95

- Q-5 As indicated on page 114 of the dEIR, the proposed General Plan includes Objective 27 which serves to "Establish a program for development to provide public amenities and/or community services necessary to support urban development," including implementing Policy LUT 27.1 which requires "Enhanced pedestrian connections between parks, public spaces, and neighborhoods by means of paths and open space areas."
- Q-6 These comments refer to the General Plan Update's policies and do not reflect on the adequacy of the EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.
- Q-7 Comment noted. See Response to Comment R-3.

*Friends of Bonita/Sunnyside
Friends of Bonita Meadows*

RESPONSE

Steve Power, AICP
Environmental Program Manager
City of Chula Vista
276 Fourth Ave
Chula Vista, CA 91910




RE: Chula Vista RDEIR 2020 Update

Dear Mr. Power,

- R-1** The RDEIR states that the City's "Preferred Plan" would accommodate a 47% increase in population and a 55% increase in housing units. It also states that impacts of accommodating increased population are significant and without mitigation (p. 581-582). Because our transportation system, parks and other public infrastructure have been over-burdened by our current system of growth management, the magnitude and pace of growth accommodated by this plan is likely to increase the overall burden on public infrastructure. Growth simply does not pay for itself.
- R-2** While it would seem prudent to slow the pace of this ambitious population increase, we realize that none of the Scenarios considered accommodate less than a 41% increase in population. Therefore, it is important for new development to fully mitigate new demand for services and infrastructure to the maximum extent feasible. Policies intended to achieve this goal should be incorporated extensively in to the General Plan Update. In this spirit, we would emphasize and expand the following smart growth principles that should be further developed into General Plan Policies:
- Create walkable neighborhoods
 - Create a high density of neighborhood parks, pocket parks, plazas, green belt paths, and public spaces that reduce automobile use and dominance.
 - Preserve open space, natural beauty, and critical environmental areas
 - Provide a variety of transportation choices
 - Foster distinctive, attractive communities with a strong sense of place
 - Encourage community and stakeholder collaboration in development decisions
- R-3** An example of a project that incorporates many of these principles is our proposal to convert Proctor Valley Road into a Multiuse Trail through the Bonita Meadows Open Space Preserve. A Multiuse Trail through the Bonita Meadows Open Space Preserve can create a sense of place that both new and existing development will want to utilize. Enhancing the 200-acre Bonita Meadows Preserve can allow many individuals to recreate without using a vehicle at all. Increased recreation close to home provides greater opportunity to reduce lengthy vehicle trips.
- R-4** In conclusion, if a plan of population growth and densification will be accommodated, then its impacts should be fully mitigated. Require growth to pay for public infrastructure. Incorporate innovative design policies into new projects and redevelopment projects. Following these principles can protect quality-of-life and mitigate many aspects of growth.

Thank you for considering these comments.

Michael J. Roark
Friends of Bonita/Sunnyside
3645 Proctor Valley Rd
Bonita, CA 91902


Sheri Todus
Friends of Bonita Meadows
6001 Bonita Meadows Lane
Bonita, CA 91902

- R-1** This comment addresses growth inducing impacts associated with the proposed General Plan Update. Growth inducement is addressed in the dEIR in Chapter 7. As stated on page 600 of the dEIR, "the proposed General Plan Update is specifically intended to provide for the orderly growth of the city of Chula Vista, define the limits to that growth, and act as a mechanism to accommodate and control future growth. Development permitted by land use policy would provide needed housing for all income levels, create compact and pedestrian-friendly urban development, and protect natural resources. The General Plan Update would result in a more inclusive community, maintain a balance between housing and employment, and foster a stable economic base and diverse employment opportunities."
- R-2** The dEIR addresses impacts to public services and utilities in Sections 5.13 and 5.14 respectively. The analysis addresses the provision of water, sewer, and integrated waste management services and facilities, fire protection, law enforcement, parks and recreation, schools, and libraries. These sections provided mitigation for impacts identified as significant. Additionally, the City Council adopted the Threshold Standards Policy for Chula Vista in November 1987, which established "quality of life" indicators for water and sewer services and facilities. These topics were addressed in the policy in terms of a goal, objective(s), threshold, and implementation measures. These standards are intended to preserve and enhance the environment and City residents' quality of life as growth occurs.
- R-3** This comment requests the conversion of Proctor Valley Road into a multiuse trail though Bonita Meadows Open Space Preserve. The City of Chula Vista does not control the Preserve and therefore does not have the authority to convert Proctor Valley Road into a multiuse trail through the Preserve.
- R-4** The proposed General Plan Update includes Objective GM 1, which requires concurrent public facilities and services. As discussed on page 465, the proposed General Plan includes policy GM 1.9 which "Require that all Major Development projects prepare a Public Facilities Financing Plan (PFFP) that articulates infrastructure and public facilities requirements and costs and funding mechanisms."



California Transportation Ventures Inc.

October 31, 2005

Mr. Ed Batchelder
Deputy Planning Director
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

RECEIVED

NOV 11 2005

Re: Comments on General Plan Update

Dear Mr. Batchelder:

Thank you for the opportunity to review the General Plan Update. The South Bay Expressway (formerly called the SR-125 South Toll Road) is being implemented through an innovative public-private partnership that has resulted in over \$600 million in private investment in the facility. We have all worked hard as a region to reach this point, and continue to work toward the South Bay Expressway opening in late 2006.

We support the City revised policies LUT 14.8 and 14.9 (previously policies LUT 12.8 and 12.9) relative to the future implementation of La Media Road crossing the Otay Valley.

- S-1** The General Plan Update removes language from Section 5.2 (Circulation Plan, page LUT-50) describing the reservation of an option for future extension of La Media Road on Figure 5.13 East. We assume that the removal of the language is meant to emphasize that implementation of La Media Road will be studied in the future, consistent with revised policies 14.8 and 14.9. But, it appears that Figure 5.13E (Circulation Plan East) has not been revised as part of the General Plan Update Proposed Edits to December 2004 Draft. Therefore, while we assume that policies LUT 14.8 and 14.9 will guide future implementation of La Media Road, the lack of explanatory text to Figure 5.13E makes it difficult to understand the City's intent relative to the timing of future La Media Road. Also see comment below in our comments on the EIR, as they relate to this same issue.
- S-2** The Recirculated Draft EIR describes the changes made to the document since the previous EIR was circulated. For Section 5.10, Traffic, the summary of changes on page xiii lists the following: "The document was revised to reflect changes in policies, specifically the elimination of reference to the future evaluation of La Media crossing the Otay Valley. La Media Road across the Otay Valley remains in the General Plan." We point out that policy LUT 14.8 references that the need for, timing and ultimate construction of La Media Road crossing the Otay Valley will be analyzed as part of pending updates of other plans. Thus, it does not appear that the policy has changed in a fundamental way that would require the elimination of the referenced text. Our concern is that the text helped to explain that the roadway was shown on the General Plan for long term planning, but implementation of the roadway has not been analyzed in any kind of detail and the General Plan EIR does not include implementation level CEQA clearance for the road.

RESPONSE

- S-1** This comment does not reflect on the adequacy of the EIR. Comment noted. The exact timing of the La Media Road improvements is not known at this time, and its schedule is likely to be impacted by the availability of funding sources, environmental analysis, and other considerations. For the purposes of the General Plan Update, La Media Road is anticipated to be in place by the Year 2030.
- S-2** This comment states that the dEIR eliminated the reference to the future evaluation of La Media crossing the Otay Valley, but it does not appear that the policy has changed. The reference in the previous dEIR was included as an explanation as to why the roadway segment was not being removed from the Circulation Element. Because the roadway will remain in the circulation system, this explanation was not considered necessary. As such the explanation was removed from the recirculated draft. Policy LUT 14.8 remains in the General Plan Update.

October 31, 2005
Mr. Ed Batchelder
Page 2

RESPONSE

S-3 The description of the non-Urban Core roadway network changes proposed as part of the General Plan update has been changed. In the previous Traffic Technical Report, (December 31, 2004) one change, on page 11, was the removal of La Media Road and the Otay River Valley Bridge. The text in the EIR was slightly different from that in the Traffic Report, in that it did not identify the removal, but stated the option for this link was reserved, pending further evaluation of the need (page 287 of the previous EIR). In the current documents, the text referencing the removal of La Media Road and the Otay River Valley Bridge no longer appears. The list of non-Urban Core roadway network changes proposed does not include the removal of that link (see Recirculated EIR page 350). We assume that future implementation of La Media Road will be pursuant to policies LUT 14.8 and 14.9, and that these changes in the text do not change the City's underlying approach to future La Media Road as expressed in the LUT policies. If this is not the case, the City should clarify its intent relative to the roadway.

S-4 The traffic modeling (Appendix E, Traffic Technical Report) includes La Media Road in the year 2030. No traffic modeling was included prior to year 2030, so we cannot determine if it is expected that La Media Road would be implemented before 2030. On the assumption that the City has not modeled La Media Road prior to the year 2030, it appears that the City anticipates the extension of La Media to occur in the 2030 time frame.

S-5 The Transportation Section (Section 5.10) identifies that the Preferred Plan will have an impact to segments of SR-125 (SR-54 to Mount Miguel Road, then to H Street), resulting in a Level of Service of "F." The adopted General Plan as shown in Table 1.4-3 of Appendix E, Traffic Technical Report, results in a level of service "F0" for the segment from SR-54 to Mt. Miguel Road, and "C" for the segment from Mt. Miguel Road to "H" Street. It appears that this impact is forecast to occur at the time the SR-125 operates as a freeway, not a tollway.

The mitigation measure identified for this impact is to widen SR-125 by one general purpose lane or equivalent capacity in HOV or managed lanes. The one additional lane is identified for scenarios 1, 2 and 3, and it is unclear if the additional lane will also be needed for the Preferred Plan. Mitigation Measure 5.10.2 also notes that such mitigation is not within the authority of the City of Chula Vista. While it appears this impact is forecast to occur after the facility is no longer operating as a tollway, we point out that to the extent such an impact were to occur while SR-125 is a toll facility, we would likely control the over-capacity situation through pricing. We acknowledge that others may construct an additional lane at some time in the future, beyond our franchise agreement period.

Sincerely,

SAN DIEGO EXPRESSWAY, L.P.

By: California Transportation Ventures, Inc., its general partner

Greg Hulsizer
Chief Executive Officer

cc: Marilyn Pongsegi – City of Chula Vista
File

S-3 This comment states that the reference to the removal of La Media Road across the Otay River Valley was included in the earlier version of the traffic report, but omitted from the current version. The previous traffic appendix referenced the removal of La Media Road across the Otay River Valley. The current traffic report has been corrected to reflect the fact that the proposed land use and transportation element does not affect the status of La Media Road in this location.

S-4 See Response to Comment S-1 above.

S-5 This comment states that it appears that the additional lane for SR-125 would only be needed after the facility becomes a freeway, and clarification is needed as to whether this applies to the Preferred Plan. The additional lane is required for the Preferred Plan. The table provided on page 373 of the dEIR refers to the Preferred Plan as Scenario 4, and indicates that one additional general purpose lane or equivalent capacity is needed. This is true whether the road is operating as a tollway or a freeway. As indicated on Page 31 of the Traffic Technical Report, all 2030 analyses considered SR-125 as operating as a tollway.

PR-128

(CTV LTR-05-798)

From: Origin: ID: (619)591-4214
Patty Talamantes
South Bay Expressway
880 Kuhn Drive

Chula Vista, CA 91914



Ship Date: 01NOV05
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System#: 1731250/INET2300
Account#: S *****

REF: SBX



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BILL SENDER

Ed Batchelder
City of Chula Vista
276 Fourth Avenue

Chula Vista, CA 91910

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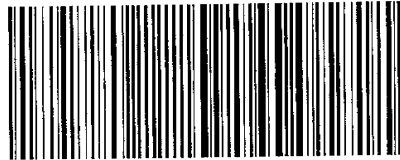
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COMMENTS:

Patty Talamantes
South Bay Expressway
880 Kuhn Drive
Chula Vista, CA 91914

(619) 591-4214
Fax: (619) 591-4291



California Transportation Ventures Inc.

October 31, 2005

Mr. Ed Batchelder
Deputy Planning Director
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

Re: Comments on General Plan Update

Dear Mr. Batchelder:

Thank you for the opportunity to review the General Plan Update. The South Bay Expressway (formerly called the SR-125 South Toll Road) is being implemented through an innovative public-private partnership that has resulted in over \$600 million in private investment in the facility. We have all worked hard as a region to reach this point, and continue to work toward the South Bay Expressway opening in late 2006.

We support the City revised policies LUT 14.8 and 14.9 (previously policies LUT 12.8 and 12.9) relative to the future implementation of La Media Road crossing the Otay Valley.

The General Plan Update removes language from Section 5.2 (Circulation Plan, page LUT-50) describing the reservation of an option for future extension of La Media Road on Figure 5.13 East. We assume that the removal of the language is meant to emphasize that implementation of La Media Road will be studied in the future, consistent with revised policies 14.8 and 14.9. But, it appears that Figure 5.13E (Circulation Plan East) has not been revised as part of the General Plan Update Proposed Edits to December 2004 Draft. Therefore, while we assume that policies LUT 14.8 and 14.9 will guide future implementation of La Media Road, the lack of explanatory text to Figure 5.13E makes it difficult to understand the City's intent relative to the timing of future La Media Road. Also see comment below in our comments on the EIR, as they relate to this same issue.

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October 31, 2005
 Mr. Ed Batchelder
 Page 2

The description of the non-Urban Core roadway network changes proposed as part of the General Plan update has been changed. In the previous Traffic Technical Report, (December 31, 2004) one change, on page 11, was the removal of La Media Road and the Otay River Valley Bridge. The text in the EIR was slightly different from that in the Traffic Report, in that it did not identify the removal, but stated the option for this link was reserved, pending further evaluation of the need (page 287 of the previous EIR). In the current documents, the text referencing the removal of La Media Road and the Otay River Valley Bridge no longer appears. The list of non-Urban Core roadway network changes proposed does not include the removal of that link (see Recirculated EIR page 350). We assume that future implementation of La Media Road will be pursuant to policies LUT 14.8 and 14.9, and that these changes in the text do not change the City's underlying approach to future La Media Road as expressed in the LUT policies. If this is not the case, the City should clarify its intent relative to the roadway.

The traffic modeling (Appendix E, Traffic Technical Report) includes La Media Road in the year 2030. No traffic modeling was included prior to year 2030, so we cannot determine if it is expected that La Media Road would be implemented before 2030. On the assumption that the City has not modeled La Media Road prior to the year 2030, it appears that the City anticipates the extension of La Media to occur in the 2030 time frame.

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The mitigation measure identified for this impact is to widen SR-125 by one general purpose lane or equivalent capacity in HOV or managed lanes. The one additional lane is identified for scenarios 1, 2 and 3, and it is unclear if the additional lane will also be needed for the Preferred Plan. Mitigation Measure 5.10.2 also notes that such mitigation is not within the authority of the City of Chula Vista. While it appears this impact is forecast to occur after the facility is no longer operating as a tollway, we point out that to the extent such an impact were to occur while SR-125 is a toll facility, we would likely control the over-capacity situation through pricing. We acknowledge that others may construct an additional lane at some time in the future, beyond our franchise agreement period.

Sincerely,

SAN DIEGO EXPRESSWAY, L.P.

By: California Transportation Ventures, Inc., its general partner

Greg Hulsizer
 Chief Executive Officer

cc: Marilyn Ponsaggi - City of Chula Vista
 File

(CTV LTR-05-798)

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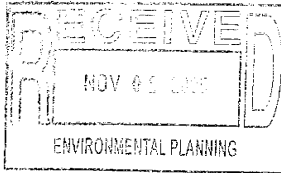
PR-132

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KURITSKY, GIASULLO & GROSS, LLC**
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New Jersey as a Civil Trial Attorney
§ Admitted in NY & NJ



File #

November 1, 2005

Mr. Ed Batchelder
General Plan Project Manager
City of Chula Vista
Planning & Building Department
276 Fourth Avenue
Chula Vista, California 91910

Steven Power AICP
Environmental Project Manager
City of Chula Vista
Planning & Building Department
276 Fourth Avenue
Chula Vista, California 91910

Re: Draft General Plan Update, Otay Ranch General Development Plan Amendment
and Draft Environmental Impact Report

Gentlemen:

- T-1** This firm represents Jewels of Charity, Inc. ("Jewels"). Set forth below are summary comments on behalf of Jewels on the City of Chula Vista's draft General Plan Update ("GPU"), draft Otay Ranch General Development Plan amendments ("GDP") and a related draft Environmental Impact Report ("DEIR").
- T-2** Jewels provided the City with its views on the original versions of the GPU, GDP and DEIR circulated by the City in late 2004. Since the fundamental provisions of these three documents affecting Jewels have not materially changed in the re-circulated versions of these documents, Jewels adopts and resubmits the comments which it made in writing and at various public hearings on the prior documents. These include, specifically, my letter of February 14, 2005 to Paul Hellman, Environmental Project Manager of the City of Chula Vista with comments on the previous DEIR; comments made on behalf of Jewels at the February 14, 2005 meeting of the Planning Commission of the City; and comments made at the City Council's public hearing on the GPU, GDP and DEIR held on February 24, 2005.

RESPONSE

- T-1** Comment noted. It is acknowledged that Berkowitz, Lichtstein, Kuritsky, Guisullo & Gross, LLC is representing Jewels of Charity, Inc.
- T-2** Comment noted. The letter of February 14, 2005 to Paul Hellman with comments on the previous dEIR and the comments made at the City's Planning Commission are attached and are addressed below. The meeting on February 24, 2005 was a workshop for the City Council and the public and no official public comment was accepted at that time, therefore, those comments will not be addressed.

**BERKOWITZ, LICHTSTEIN,
KURITSKY, GIASULLO & GROSS, LLC**

Mr. Ed Batchelder
Steven Power AICP
November 1, 2005
Page 2

RESPONSE

Additional Comments on GPU and GDP Amendments

In addition to Jewels' previously submitted comments, the following are submitted:

- T-3** 1. Development Agreement. Jewels is party to an Amended and Restated Pre-Annexation Development Agreement with the City, passed, approved and adopted by the City Council on March 18, 1997, with the agreement entered into on and dated as of the same date. This agreement affects acreage covered by the GPU and proposed amendment to the GDP. This agreement creates vested development rights in Jewels. Without belaboring the provisions of the agreement itself, Jewels has the right to develop land in accordance with the land use framework in effect as of the date of the agreement, including the General Development Plan/Sub-Regional Plan for the Otay Ranch adopted by the City and the County of San Diego on October 28, 1993, and the City of Chula Vista General Plan in effect in March 1997. The proposed amendments to the GPU, Section 4.8 (page LUT-36) recognize that:

"Property owners who have achieved a vested rights status retain the ability to develop in accordance with the land use designations in effect at the time of vesting prior to adoption of the General Plan Update."

While Jewels' prior comments on the GPU and GDP, and the summary comments below, are submitted in the belief that the proposed amendments are in many cases inappropriate, Jewels retains its right to act under and in accordance with the referenced Development Agreement.

- T-4** 2. General Comments.
- (a) Jewels believes that the proposed amendments make fundamental changes in the existing land use plan without sufficient analysis or justification. These changes include the establishment of a Regional Technology Park, the shift from "villages" to "Town Centers", changes to the University area, and certain assumptions regarding public transportation. Jewels believes that the case has not been made for these changes, that there is an insufficient factual basis for the changes and that the DEIR analysis of these changes is insufficient.
- (b) The proposed amendments would have an inequitable economic impact on various landowners. Certain landowners have benefitted in a material way, while others are penalized. The public need for these shifts in economic benefits is not clear.

- T-3** This comment states that Jewels retains its right to act under and in accordance with the Amended and Restated Pre-Annexation Development Agreement with the City. This comment does not reflect on the adequacy of the EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.

- T-4** The comment does suggest that the dEIR analysis of the Town Center, changes to the University area and assumptions regarding public transportation is insufficient, but does not indicate where or how they are insufficient. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.

**BERKOWITZ, LICHTSTEIN,
KURITSKY, GIASULLO & GROSS, LLC**

Mr. Ed Batchelder
Steven Power AICP
November 1, 2005
Page 3

(c) Thoughtful consideration of the configuration of, requirements for and impact of the University study area essentially have been postponed in the amendments. The integration of this use with surrounding land uses is critical. The surrounding uses cannot be adequately planned or development of these areas implemented until such time as adequate consideration of the realistic prospects for and design of a University campus are ascertained.

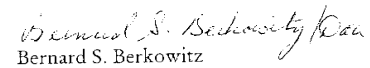
(d) Discussion in the amendments of the need for and location of public transportation is circular. The transit plan is premised on certain densities and land uses. The land uses and densities in the amendments are premised on the existence of specific public transportation improvements, including the BRT system.

DEIR Comments

As is set forth above, Jewels resubmits the comments on the DEIR which are set forth in my February 14, 2005 letter to Mr. Hellman. Please advise if you require another copy of this letter.

Jewels reserves the right to respond to any changes in the DEIR, GPU or GDP amendments or to other comments on these documents.

Very truly yours,


Bernard S. Berkowitz

cc: Mr. David Rowlands
Mr. Rick Rosaler
Ms. Deborah Durkin

**BERKOWITZ, LICHTSTEIN,
KURITSKY, GUISSULLO & GROSS, LLC**
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Writer's Direct Line 973-243-6025
E-mail: bberkowitz@blkkg.com

File # 34305-4

February 14, 2005

Mr. Paul Hellman
Environmental Projects Manager
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

Re: Comments on Draft Environmental Impact Report ("DEIR")
City of Chula Vista General Plan Update

Dear Mr. Hellman:

T-5 This firm represents Jewels of Charity, Inc. (Jewels). The following are preliminary comments on behalf of Jewels on the Draft Environmental Impact Report for the City of Chula Vista General Plan Update EIR #05-01 dated December 31, 2004.

As an overview it is our understanding the DEIR focuses on two primary components: (1) physical development potential and (2) the goals/policies and subsequent action items/implementation procedures. The Otay Ranch being the largest master planned community, San Diego County Board of Supervisors and the Chula Vista City Council approved the Otay Ranch GDP in October 1993.

Jewels believes that a number of the changes proposed in the General Plan Update are unnecessary and unresponsive to the community as a whole and inequitable, especially in the transfer of allowable developable units of various land affected by these changes. Jewels will comment on the current draft of the General Plan Update in due course.

Land use and Transportation Element

T-6 1. The DEIR appears to base its analysis (if not in totality) on the use of the University Site exclusively for University purposes, thereby setting the stage for a new designation of "Town Center" dependent upon the support of a University. The DEIR deletes any current designated and approved secondary land use in the event that university concept does not occur.

T-5 This comment does not reflect on the adequacy of the EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.

T-6 The dEIR analyzed the previously approved land uses in Chapter 10.0, Plan to Plan – No Project Alternative. In the Chapter 10 analyses, comparisons are provided between the environmental effects of the adopted General Plan in effect today to that proposed under the Preferred Plan. This includes the existing GDP and the secondary land uses of the University site.

BERKOWITZ, LICHTSTEIN,
KURITSKY, GIASULLO & GROSS, LLC
Mr. Paul Hellman
February 14, 2005
Page 2

Although this site was designated and approved as a university in the 1993 approved General Plan, and the fact that numerous committees have been formed and gone by the wayside to date in bringing a University to a state of realization, the DEIR is deficient in its analysis in the event a university fails to occur. Planned density in the Town Center and all of the ancillary infrastructure support depicted in the DEIR would be unnecessary and inappropriate without the actual existence of a university.

Jewels believes that until the site is so utilized, the DEIR should address the environmental issues in retaining the previously approved 940 developable units in the existing GDP as a secondary land use and not distribute the developable units elsewhere as proposed in the land uses incorporated in the DEIR.

T-7 2. The DEIR is recommending the elimination of Otay Valley Road West of La Media Road to Heritage Road. With the proposed land uses and changes within the Otay River Valley area as well as access to and from Main Street to the East Planning Area, the DEIR is silent as to sufficient traffic analysis as to the impact on access to open space and active open space recreation along the Otay River Valley. Further analysis and studies are needed as it pertains to this elimination.

T-8 The DEIR traffic studies does not address the elimination or removal of Alta Road from SR 125 to Otay Mesa. Under the previous approved GDP three viable accesses were planned and approved as access across the river valley to connect the eastern territories to Otay Mesa. Without this section of Alta Road only two north and south access crossings (SR 125 and La Media located west of SR 125) will remain to connect the entire eastern territory south to Otay Mesa. Further studies into the elimination of this viable connector is needed.

Jewels of Charity reserves the right to submit a response to changes in the DEIR made in response to the foregoing and reserves the right to submit additional comments at public hearings and otherwise.

Very truly yours,


BERNARD S. BERKOWITZ

T-7 See Response to Comment V-12.

T-8 Page 350 of the Transportation Section 5.10 identifies the removal of Alta Road south and east of Eastlake Parkway as part of the circulation system used in the traffic analysis. Alta Road south and east of Eastlake Parkway has been removed to be consistent with the County of San Diego East Otay Mesa Specific Plan, which has removed the portion of the roadway in the unincorporated areas.

**VERBATIM TRANSCRIPT
CLOSE OF PUBLIC REVIEW PERIOD FOR
DRAFT EIR 05-01
FEBRUARY 14, 2005**

RESPONSE

Bernard Berkowitz - "433 Northfield Ave., W. Orange, New Jersey, Jewels of Charity. I represent Jewels of Charity, a public charity which owns land on the proposed university site. I send in some comment; I don't know whether or not they were received, but I have another copy which I'll leave with the City Clerk.

- T-9** The DEIR appears to base its analysis on the use of the university site exclusively for university purposes, thereby, setting the stage for a new designation of Town Center dependent upon the support of a university. The DEIR deletes any current designated and approved secondary land use in the event that university concept does not occur. Although this site was designated and approved as a university site in the 1993 approved General Plan, and the fact that numerous committees have been formed and gone by the way side to date in bringing you a university to a state of realization, the DEIR is deficient on its analysis in the event the university fails to materialize.
- T-10** Planned density in the town center and all of the ancillary infrastructure support depicted in the DEIR would be unnecessary and inappropriate without the actual existence of a university. Jewels of Charity believed that until the site is so utilized, the DEIR should address the environmental issues in retaining the previously-approved 940 developable units in the existing GDP as a secondary land use and not distribute the developable units elsewhere as proposed in the land uses incorporated in the DEIR."

- T-9** The comment suggests that the amendments proposed for the GPU and GDP and the analyses in the dEIR of the proposed changes are based on inappropriate assumptions. It also indicates that the dEIR lacks an analysis of a comparison between the proposed changes and the adopted General Plan and GDP. A comparison of the affects of the changes proposed by the Preferred Scenario to the Adopted General Plan and GDP is provided in Chapter 10.0, Plan to Plan – No Project Alternative.

As stated on Page 604 of Chapter 10, "In the event that the plan update is not approved, the currently adopted General Plan would remain in effect." In the Chapter 10 analyses, comparisons are provided between the environmental effects of the adopted General Plan in effect today to that proposed under the Preferred Scenario.

Each of the existing elements of the adopted General Plan is listed, along with a thorough description of existing land use categories. An analysis of the environmental effects of the proposed GPU on each of these elements as compared to the Adopted Plan is then provided.

- T-10** See Response to Comment T-6. The EIR analyzed the impact of the Preferred Plan, which contains the Village Nine Town Center and the University and two alternative plans, which also contained the University and Village Nine Town Center.

October 27, 2005

City of Chula Vista
 Planning and Building Department
 Attn: Steve Power, AICP, Environmental Projects Manager
 276 Fourth Avenue
 Chula Vista, CA 91910

RE: Recirculated Draft Environmental Impact Report for the Chula Vista General Plan /
 Otay Ranch General Development Plan Update

Dear Mr. Power,

The McMillin Companies appreciates the opportunity to evaluate the recirculated Draft Environmental Impact Report prepared for the update of the City's General Plan and the Otay Ranch General Development Plan. We offer the following comments on the draft documents.

U-1

1. The McMillin Companies has proposed amendments to the General Plan and the Otay Ranch GDP as part of the update process to modify the land uses currently prescribed by the GP and GDP for the Eastern Urban Center. These revisions only appear as part of the Preferred Alternative and are not reflected in any of the other alternative scenarios, despite changes occurring around the EUC which may affect our ability to develop and market the currently prescribed land uses. These proposed land uses should be considered as part of any alternative that the Council may consider for approval.

U-2

2. The draft General Plan circulation plan includes the extension of La Media Road across the Otay River Valley, however language in the circulation table on page 208 of the strikeout version of the draft Otay Ranch General Development Plan has been revised to identify Rock Mountain Road, rather than Otay Mesa Road as the southerly end of La Media Road. This table should be revised to match the General Plan policy language and circulation plan by designating Otay Mesa Road as the southerly terminus of La Media Road.

U-3

3. As part of the General Plan Update process, the City in encouraging the development of higher density residential development in many areas of the City. The population coefficients that are currently applied may not accurately reflect the new demographic that is generated from this type of development. The City should

U-1 This comment does not reflect on the adequacy of the EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.

U-2 This circulation table has been revised in the Otay Ranch GDP Chapter 2, Mobility, Section B.

U-3 This comment does not reflect on the adequacy of the EIR. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.

PR-139

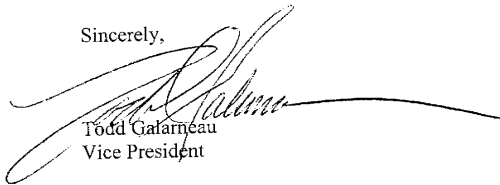


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include provisions in the General Plan and Otay Ranch General Development plan to allow population coefficients for the P-C District to be determined at the SPA plan level.

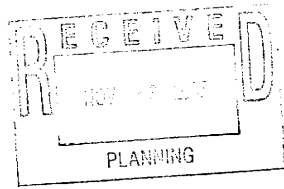
We appreciate having the opportunity to comment on the City's General Plan and Otay Ranch General Plan update and look forward to receiving a copy of the Final Environmental Impact Report when it is completed.

Sincerely,



Todd Galanteau
Vice President

cc: Mayor Stephen Padilla
Councilmember Castenada
Councilmember Davis
Councilmember McCann
Councilmember Rindone
Dave Rowlands, City Manager
Jim Sandoval, Director of Planning and Building
Ken Baumgartner
Guy Asaro



City of Chula Vista
Planning & Building Department
276 Fourth Avenue
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Phone: (619) 425-2449
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Email: mmcandrews@orrick.com

Michael A. McAndrews
(213) 612-2449
mmcandrews@orrick.com

November 1, 2005

VIA EMAIL AND DHL

Mr. Ed Batchelder
General Plan Project Manager
City of Chula Vista
Planning & Building Department
276 Fourth Avenue
Chula Vista, California 91910

Steve Power AICP
Environmental Projects Manager
City of Chula Vista
Planning & Building Department
276 Fourth Avenue
Chula Vista, California 91910

Re: Draft General Plan Update, Otay Ranch General Development Plan Amendment
and Draft Environmental Impact Report

Gentlemen:

V-1 This firm represents The Stephen & Mary Birch Foundation, Inc. (the "Foundation"). Set forth below are summary comments on behalf of the Foundation on the City of Chula Vista's draft General Plan Update ("GPU"), draft Otay Ranch General Development Plan amendments ("GDP") and a related draft Environmental Impact Report ("DEIR").

V-2 The Foundation provided the City with its views on the original versions of the GPU, GDP and DEIR circulated by the City in late 2004. Since the fundamental provisions of these three documents affecting the Foundation have not materially changed in the re-circulated versions of these documents, the Foundation adopts and resubmits the comments which it made in writing and at various public hearings on the prior documents. These include, specifically, my letter of February 14, 2005 to Paul Hellman, Environmental Project Manager of the City of Chula Vista with comments on the previous DEIR; comments made by me on behalf of the Foundation at the February 14, 2005 meeting of the Planning Commission of the City; and comments made by me at the City Council's public hearing on the GPU, GDP and DEIR held on February 24, 2005.

Additional Comments on GPU and GDP Amendments

In addition to the Foundation's previously submitted comments, the following are submitted:

V-3 1. Development Agreement. The Foundation is party to an Amended and Restated Pre-Annexation Development Agreement with the City, passed, approved and adopted by the City Council on March 18, 1997, with the agreement entered into on and dated as of the same date. The Foundation, as successor-in-interest to SNMB, Ltd. also is beneficiary of that certain Amended and Restated Pre-Annexation and Development Agreement between SNMB and the City, likewise

RESPONSE

V-1 It is acknowledged that Orrick represents the Stephen and Mary Birch Foundation, Inc. and these comments were made on behalf of the Foundation.

V-2 Comment noted. The letter of February 14, 2005 to Paul Hellman with comments on the previous dEIR and the comments made at the City's Planning Commission are attached and are addressed below. The meeting on February 24, 2005 was a workshop for the City Council and the public and no official public comment was accepted at that time, therefore, those comments will not be addressed.

V-3 This comment does not reflect on the adequacy of the EIR. The comment does suggest that the dEIR analysis of the Town Center, changes to the University area and assumptions regarding public transportation is insufficient, but does not indicate where or how they are insufficient. The comment, however, will be forwarded it to the appropriate City decision making body. Comment noted.



Mr. Ed Batchelder
Mr. Steve Power
November 1, 2005
Page 2

adopted on and dated as of March 18, 1997. These agreements affect acreage covered by the GPU and proposed amendment to the GDP. These agreements create vested development rights in the Foundation. Without belaboring the provisions of the agreements themselves, the Foundation has the right to develop land in accordance with the land use framework in effect as of the date of the agreements, including the General Development Plan/Sub-Regional Plan for the Otay Ranch adopted by the City and the County of San Diego on October 28, 1993, and the City of Chula Vista General Plan in effect in March 1997. The proposed amendments to the GPU, Section 4.8 (page LUT-36) recognize that:

“Property owners who have achieved a vested rights
statutes retain the ability to develop in accordance with
the land use designations in effect at the time of
vesting prior to adoption of the General Plan
Update.”

While the Foundation’s prior comments on the GPU and GDP, and the summary comments below, are submitted in the belief that the proposed amendments are in many cases inappropriate, the Foundation retains its right to act under and in accordance with the referenced Development Agreements.

2. General Comments.

- (a) The Foundation believes that the proposed amendments make fundamental changes in the existing land use plan without sufficient analysis or justification. These changes include the establishment of a Regional Technology Park, the shift from “villages” to “Town Centers”, changes to the University area, and certain assumptions regarding public transportation. The Foundation believes that the case has not been made for these changes, that there is an insufficient factual basis for the changes and that the DEIR analysis of these changes is insufficient.
- (b) The proposed amendments would have an inequitable economic impact on various landowners. Certain landowners have benefited in a material way, while others are penalized. The public need for these shifts in economic benefits are not clear.
- (c) The new proposed limitation on development of and improvements near the so-called “Birch-Patrick Estate House” (new LUT-69.2) is not justified, has not been discussed with the Foundation as landowner and in general is unsupported by any analysis of which the Foundation is aware. The specific land intended to be covered is not delineated.



Mr. Ed Batchelder
Mr. Steve Power
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Page 3

Additionally, this house is referred to as "Gardens by the Lake", and should be so designated in the GPU.

(d) Thoughtful consideration of the configuration of, requirements for and impact of the University study area essentially have been postponed in the amendments. The integration of this use with surrounding land uses is critical. The surrounding uses cannot be adequately planned or development of these areas implemented until such time as adequate consideration of the realistic prospects for and design of a University campus are ascertained.

(e) Discussion in the amendments of the need for and location of public transportation is circular. The transit plan is premised on certain densities and land uses. The land uses and densities in the amendments are premised on the existence of specific public transportation improvements, including the BRT system.

DEIR Comments

As is set forth above, the Foundation resubmits the comments on the DEIR which are set forth in my February 14, 2005 letter to Mr. Hellman. Please advise if you require another copy of this letter.

The Foundation reserves the right to respond to any changes in the DEIR, GPU or GDP amendments or to other comments on these documents.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael A. McAndrews', written over a horizontal line.

Michael A. McAndrews

cc: Mr. David D. Rowlands, Jr.
Mr. Rick Rosaler
Mr. Christopher G. Patek

RESPONSE



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February 14, 2005

Michael A. McAndrews
(213) 612-2449
mmcandrews@orrick.com

VIA FEDEX AND E-MAIL (PHELLMAN@CI.CHULA-VISTA.CA.US)

Paul Hellman
Environmental Projects Manager
City of Chula Vista
276 Fourth Avenue
Chula Vista, California 91910

Re: Comments on Draft Environmental Impact Report ("DEIR")
City of Chula Vista General Plan Update

Dear Mr. Hellman:

This firm represents the Stephen & Mary Birch Foundation, Inc. (the "Foundation"). Set forth below are summary comments on the DEIR made on behalf of the Foundation.

Initially, the Foundation believes that a number of the changes proposed in the draft General Plan Update to the City's current general plan and the Otay Ranch General Development Plan are unnecessary, not responsive to community needs, premised on assumptions that in many cases are unrealistic, and in a number of instances are inequitable in their impact on various land owners affected by these changes. The Foundation will comment on the current draft General Plan Update in due course.

The following are the Foundation's comments on the DEIR:

- V-4 1. Regional Technology Park The General Plan Update proposes a Regional Technology Park covering a portion of what is now designated as Village 8 in the Otay Ranch General Development Plan. The DEIR does not sufficiently analyze the impact of this proposed use, and the underlying assumptions about the use are inaccurate.

(a) The DEIR analysis of the Regional Technology Park assumes that a university complex will be developed east of SR-125 and that the BRT system will be completed. The impact of siting the Regional Technology Park as proposed in the General Plan Update, and its impact on traffic, utilities, transportation requirements and the remaining factors analyzed in the DEIR, should be evaluated on the assumption that the university is not built, and that proposed transportation improvements are not completed. These are realistic alternative scenarios which require study in the DEIR.

- V-4 The Preferred Plan specifies that there would be a Town Center at the intersection of La Media and Rock Mountain Road with the eastern half of Village 8 being designated for a Regional Technology Park (RTP). Other Scenarios place mixed use at this intersection and do not designate an RTP on the western half of the Village. It is possible to construct differing scenarios with the components evaluated in the dEIR that were not necessarily included in the project description as part of the Preferred Plan or any of the Scenarios. Not all possible land use configurations were considered in the dEIR. Should a land use plan be proposed that differs from those analyzed in the dEIR, consideration will have to be given to the adequacy of the EIR to address the effects of that proposal.

PR-144



Paul Hellman
February 14, 2005
Page 2

V-5 (b) The Land Use and Transportation Element citywide objectives, in particular Objective 4 and Objective 5, require that adjacent land uses be compatible with one another. The DEIR does not adequately analyze whether the Regional Technology Park is compatible with residential and other proposed adjacent uses, including a high school. The proposed location of the Regional Technology Park isolates proposed residential development to the south and west, and separates this residential development from like uses in Village 7. If a Regional Technology Park is constructed at all, it should be sited further south, possibly adjacent to Otay Valley Road, to meet these LUT objectives.

V-6 (c) As is further discussed in Section 3, below, the DEIR should analyze whether the Town Center at the intersection of Rock Mountain Road and La Media Road is required or justified if a Regional Technology Park is not constructed.

V-7 2. Community Park. The General Plan Update designates approximately 82 acres in Village 4 for a "major" community park facility, which to some extent would eliminate park acreage in Village 2 and other villages. (The parks to be eliminated should be specified.) The DEIR does not analyze the impact of this change, compared to the uses designated in the current general plans, on traffic, convenience to proposed residential locations, and the integration of this park with surrounding land uses, which include open space (which includes critical and sensitive habitat) and industrial uses.

Additionally, the DEIR does not adequately discuss access to the proposed community park facility from Village 4, Village 7, Rock Mountain Road and La Media Road.

V-8 3. Establishment of Town Centers. The General Plan Update establishes a "Town Center" designation which provides higher density housing and commercial development than previously contemplated in "village cores", which to a large extent are replaced by the Town Center concept. The DEIR does not compare the cumulative impact of these changes from currently planned uses on the villages in question, or on regional concerns such as traffic, transportation and access from surrounding residential land uses. As is discussed in Section 4, below, the Town Center designations also need to be analyzed if proposed transportation improvements, including the BRT System, are not made.

V-9 The proposed Town Center at the intersection of Rock Mountain Road and La Media Road should be analyzed under the assumption that the proposed Regional Technology Park is not constructed. Matters to be considered are whether the increased density contemplated for this Town Center, and other increased residential densities surrounding it, would adversely impact the current Village 8 as a site for residential development. Impacts on traffic, utilities and transportation systems under this scenario should be analyzed.

RESPONSE

V-5 The discussion of the RTP on page 166 of the dEIR indicates that the purpose of the RTP is to provide for a new employment center that provides for economic development and a stronger jobs/housing balance. The resulting jobs/housing balance in Otay Ranch enhances planning principles, as expressed in the existing GDP. These principles include creating balanced communities by providing work places in or near the residential communities; minimizing reliance on automobile use by siting employment close to residential communities; and awareness of the relationship between vibrant, healthy communities and having sufficient economic and employment opportunities located within the community. The proposed RTP is intended to bring employment opportunities to the Otay Ranch area. They are not considered incompatible with residential uses.

It should be noted that no specific uses are permitted as a result of the General Plan Update. Individual discretionary actions will be required for particular projects. These actions will be subject to CEQA and will, as necessary, consider specific land use compatibility. Without information concerning a specific project, further consideration of compatibility would be speculative.

V-6 Consideration of whether the Town Center at the intersection of Rock Mountain Road and La Media Road is required is a planning issue, and not an EIR issue.

V-7 The traffic analysis conducted for the Preferred Plan and each of the Scenarios considered the location of an approximately 80-acre park in Village 4 (Pages 50, 61, 72, and 94). Therefore, the impact of the change on traffic has been addressed in the transportation section of the document. The issue of "convenience" to the proposed residential locations is a planning issue and not a subject of the EIR. Consideration of the impacts of the proposed land use changes in the Otay Ranch area to sensitive biological resources is presented in Section 5.3 of the dEIR. Specific access to the community park in Village 4 will depend upon the design of the park and its relationship to Village 4 and Village 7. The park plan has not yet been developed and specific access from either Rock Mountain Road or La Media has not been established.

V-8 The Transportation Section 5.10 of the dEIR and the Transportation Study (Appendix E of the dEIR) analyzed the Preferred Plan and each of the Scenarios for the Town Center and neighboring uses. Other than a reference to traffic and transportation, the comment does not indicate what other cumulative affects should be considered. As noted on page 171 of the dEIR, the Town Center in Village Eight will contain a new Transit Station designed for the BRT. It increases multi-family residential densities accommodating intensified mixed-use commercial activities including retail, office and residential. The design of the Town Center Arterial promotes pedestrian orientation and provides an extensive grid-like street pattern to the village. The amendment also establishes a development envelope consistent with the City's MSCP Subarea Plan, and preserves Rock Mountain as open space.

V-9 See Response to Comment V-4.



R I C K

Paul Hellman
February 14, 2005
Page 3

Both the Town Center at the intersection of Rock Mountain Road and La Media Road and the university site Town Center east of SR-125 do not appear to be required, or are predicated on inaccurate assumptions, if the university proposal does not go forward or the Regional Technology Park is not constructed.

- V-10 4. Bus Rapid Transit System. The General Plan Update's land use analysis, and the related analyses in the DEIR, presume that the BRT system will be constructed, and will follow alignments suggested in the general plan. Since there is no certainty that the system will be constructed, or completed in the manner contemplated by the DEIR, the land use designations in the General Plan Update need to be analyzed on the assumption that the system is not completed. This would include the impact on Town Centers, the Regional Technology Park, the university study area, and the Eastern Urban Center.

A number of statements in the DEIR appear to predicate the change from the "village core" concept to the Town Center concept on the need to justify an expansion of the BRT system. For example, in Section 5.1 of the DEIR (page 135) the following statement appears:

"The increase in intensity and density of uses proposed [in Village 2] are necessary to support transit service to Village 2..."

Similar statements are made with respect to Village 4 and the Town Centers. This analysis is inapt. The proposed public transportation system should be designed to serve, and justified by, the transportation needs of a sensibly planned community. The community should not be planned (and, in this instance, appropriate land uses changed) to justify the construction of a public transportation system, the case for which cannot otherwise be made.

- V-11 5. High School Site. The DEIR states that a specific site for a proposed Sweetwater Union High School District high school in the East planning area has not yet been determined. This is incorrect. Agreements have been signed for, and work has begun on, a high school site on the southeast portion of Village 7, adjacent to Rock Mountain Road. This impacts not only the validity and usefulness of the studies of the area in the DEIR, but requires additional analysis of proposed land adjacent uses to the high school site, including the Town Center for Village 8 and the proposed Regional Technology Park. The Regional Technology Park, located directly across the street from the high school site, does not appear to be a compatible or appropriate adjacent land use.
- V-12 6. Otay Valley Road. The General Plan Update proposes, and the DEIR assumes, that Otay Valley Road, a long-established and planned road, will be eliminated west of La Media Road. There is insufficient consideration of the impact of this on access to open space and active recreation areas along the Otay River valley, as well as to existing and planned utility installations in that area.

- V-10 The land use discussion in the dEIR presumes that the BRT will exist. The circulation analysis, however, does not divert trips from area roads because of ridership on the BRT. As such, the impact analysis conducted for the General Plan Update represents a worst case analysis. Whether the community should be planned to promote public transportation or public transportation should be designed to serve a transportation need is a planning issues and not an environmental issue subject to CEQA.

- V-11 The comment is incorrect in its assumption that the DEIR discussion is referencing the planned high school for Village 7. The DEIR discussion referenced in the comment does not apply to the approved high school currently under construction in Village 7, but rather the Preferred Plan's recognition that an additional high school will be necessary in the East Area, most likely in the east portion of the Otay Ranch Subarea. This future facility has been accommodated in the DEIR at a program level, with its land use acreage and impacts included in the analysis Eastern University District of the Otay Ranch Subarea. One potential location has tentatively been identified on the EUC and impacts associated with it addressed in the analysis for that district. However, no final location has been determined, pending a study of high school needs and potential locations by the Sweetwater Union High School District. Any future high school will require project-level review under CEQA at the time it is proposed.

However, the Sweetwater Union High District high school that was referenced in the comment is shown in Village 7 on the adopted Otay Ranch General Development Plan. It is also shown as a planned facility on the Preferred Plan for the General Plan Update. As such, it does not reflect an area of change, but the planned facility's land use is accommodated in both the Plan to Plan Analysis, Chapter 10, the No Project Alternative of the EIR, and in Chapter 5, the environmental analysis. As shown on Table 5.1-5, the 50-acre high school site is reflected in the Public type land use category for the Adopted General Plan and for the Preferred and three Scenarios for the General Plan Update.

- V-12 The traffic analysis conducted for the dEIR considered the elimination of Otay Valley Road west of La Media. As indicated in Chapter 5, Section 5.10, Page 350, elimination of the referenced Otay Valley Road has been accommodated by the reclassification of Rock Mountain Road from a four-lane Class I Collector to a six-lane Prime Arterial. The elimination of the referenced section of Otay Valley Road occurs in an area designated for preservation in the City's Otay Valley Preserve. The circulation impacts identified in the dEIR considered the elimination of this roadway segment and the change to the status of Rock Mountain Road. The Otay Ranch Resource Management Plan provides access, staging areas, trails and appropriate buffering as described on Page 148 of the dEIR. As started on Page 167 of the Final EIR, access to open space and active recreation areas will be addressed at the SPA Plan level.



Paul Hellman
February 14, 2005
Page 4

Additionally, given the uses and densities proposed in what is currently Village 8, and in those portions of the East planning area located east of SR-125, the lack of another arterial road connecting Main Street to these areas will overcrowd the east-west roads which are shown in the General Plan Update. The traffic impact of the elimination of Otay Valley Road west of La Media Road, in light of the intense uses in these eastern areas, is not properly analyzed or justified¹

- V-13** 7. Certain Open Space Designations. The DEIR preferred plan land uses map (Figure 3-6 to the DEIR) shows an irregularly shaped parcel south and west of the intersection of Rock Mountain Road and La Media Road (adjacent to the proposed Town Center at that intersection) as Open Space. This parcel is not designated as open space under the MSCP, and in prior land use maps is shown as development area. The DEIR should explain the proposed use and analyze the impact of this change.

Additionally, Figure 3-6 designates the active rock quarry in the same vicinity as Open Space. This area is not within the jurisdiction of the City of Chula Vista, and in any case should be designated "not a part" rather than given a land use designation in the General Plan Update.

- V-14** 8. Health Care Facilities. The DEIR does not discuss the requirements for health care facilities in the East planning area. The propriety of the land use designations in the draft General Plan Update are affected by the location (or the absence) of health care facilities in the East planning area. These facilities will have material environmental impact and should be a part of the DEIR analysis.

- V-15** 9. FAA Facility. The DEIR, and the preferred land use proposal being analyzed, fail to recognize the Federal Aviation Administration VORTEC site located in Village 7. This site is not available for development, and most likely will not be in the foreseeable future. It should be shown as "not a part" on the land use map and the assumptions regarding land uses, adjacencies, traffic and other environmental impacts in the affected area adjusted to reflect this fact.

The Foundation reserves the right to submit additional comments at public hearings and otherwise, and to respond to changes in the DEIR made in response to the foregoing.

Very truly yours,

Michael A. McAndrews

cc: Mr. Chris Patek

- V-13** The irregular shaped parcel to the southwest of the Town Center referenced in the comment is identified in the Biology section of the dEIR as an area that is changed to "development" under the GDP/RMP/MSCP. As such, the area is not restricted from development as part of the City's biological resources open space preserve system. However, under the proposed General Plan Update, the area will retain the Open Space designation as shown on the adopted General Plan. Thus no change for the area will result of the proposed action.

- V-14** Provision of health care facilities is not an issue area to be evaluated in this document pursuant to CEQA. While the Public Facilities and Services Element of the General Plan Update discusses the provision of health care and other social services their provision in and of themselves is not an environmental issues under CEQA. Under the existing and proposed General Plan and Otay Ranch General Development Plan, health care facilities are specific land uses that are permitted within land use designations that accommodate commercial and office professional zones, or such facilities can be accommodated in the PC Zone (Planned Community) with an approved Sectional Planning Area (SPA) plan. The provision of facilities supporting health care activities could be future actions subject to CEQA. The physical effect of permitting those facilities would be subject to review when proposed, and consideration of specific development at this time is speculative.

- V-15** The City has previously evaluated the planned land use for Village 7 under an adopted SPA plan. Although the VORTEC was not a part of the approved SPA, future land uses and density were attributed to the site in accordance with the adopted Otay Ranch GDP. This land use was accommodated for and analyzed in the EIR for the Village 7 SPA. Alternative land uses for the Vortec site are not proposed to change in any of the land use Scenarios or in the Preferred Alternative. The city acknowledges that the future planned uses in the area occupied by the Vortec cannot occur until which time the Vortec is moved and a project-level SPA amendment is approved with CEQA review. The existing Vortec is, however, reflected in both the baseline condition evaluated in Chapter 5 and under the No Project Alternative.

**VERBATIM TRANSCRIPT
CLOSE OF PUBLIC REVIEW PERIOD FOR
DRAFT EIR 05-01
FEBRUARY 14, 2005**

RESPONSE

Michael McAndrews - "Attorney representing Stephen & Mary Birch Foundation, Orrick Herrington & Sutcliffe, 777 S. Figueroa St., 32nd Floor, Los Angeles CA 90017. We submitted written comments earlier today and I'll leave a copy with the Clerk. I do want to highlight one or two thoughts. These comments pertain to the east planning area where the Foundation owns a significant amount of land.

- V-16** The fundamental issue that the Foundation has is that the DEIR in analyzing the GPU analyzes a fundamental change in the land use for the east planning area. This change is predicated on what we feel are inappropriate assumptions. The City desires a university; the plan plans for a university regardless of feasibility. A regional technology park in theory could benefit a university; so we'll plan a regional technology park. Town centers would benefit a regional technology park and the university; so we'll plan town centers. The bus rapid transit system, if we have additional density in a town center, would be appropriate for the laudable goal of public transit, but these hypothesis in the GPU and in the DEIR fail to do a fundamental thing; that is, provide the City's decision-makers, yourselves and the City Council with a comparison to the changes from the existing General Plan and Otay Ranch General Development Plan.

The problem with the DEIR is that it fails to provide information to you and the City Council as to, if in fact these occurred. What's the impact; the differential impact from the existing plans that are out there now.

- V-17** Two problems; the first is, there is no analysis of the alternatives of any of these components not occurring; the university regional technology park, bus rapid transit system, town center. If these things do not occur for reasons that are extrinsic to what's in the plan; what is the impact on the environment and what is the impact on the decision-makers.

- V-18** The second is; where is the analysis of the difference between what is current planned and what is set forth in the General Plan Update. That comparative analysis is critical to the decision that you and the City Council will make going forward on this General Plan.

- V-19** I would note in passing, that changes beside being fundamentally different from the existing plan has strikingly different impacts on the various land owners and the impacts surprisingly follow ownership lines very, very closely.

In addition to these fundamental issues there are two or three things that are not in the EIR that need to be.

- V-20** The first is; Village 7 currently contains an agreed high school site for Sweetwater Union High School District's next high school at the intersection of

- V-16** A comparison of the affects of the changes proposed by the Preferred Scenario to the Adopted General Plan is provided in Chapter 10.0, Plan to Plan – No Project Alternative. As stated on Page 604 of Chapter 10, "In the event that the plan update is not approved, the currently adopted General Plan would remain in effect." In the Chapter 10 analyses, comparisons are provided between the environmental effects of the adopted General Plan in effect today to that proposed under the Preferred Scenario. Each of the existing elements of the adopted General Plan is listed, along with a thorough description of existing land use categories. An analysis of the environmental effects of the proposed GPU on each of these elements as compared to the Adopted Plan is then provided.

- V-17** In Chapter 5, the components of the GPU mentioned in the comment have been evaluated as part of the Preferred Alternative and in various combinations of Scenarios 1 through 3. In addition, these components were addressed in the discussion of the No Project Alternative in Chapter 10 of the dEIR. The comment asks where are the impacts discussed if the regional technology park, bus rapid transit system, and town center do not occur. This situation would be represented by the Plan to Ground Analysis as presented in Chapter 5, Environmental Impact Analysis. As stated on Page 89, "(the) plan-to-ground analysis compares the proposed General Plan Update with existing baseline conditions.

The impact on the environment if these components do not occur is represented by the existing baseline conditions for each of the issue areas (e.g. land use, landform alteration, transportation, biological resources). In addition, a comparative evaluation of the impacts on each issue area that compares the preferred plan to each of the three scenarios is provided. For example, Table 5.10-3, Page 353 provides the levels of service for major roadway segments in the east under the existing condition, the Preferred Plan, and the three scenarios.

- V-18** As stated in Chapter 11, page 636, together with the three land use scenarios and the Preferred Scenario, four additional alternatives were evaluated as required by CEQA. One of these, the No Project Alternative, described fully in Chapter 10, would continue to implement the adopted General Plan and General Development Plan. In other words, it provides a comparison between what is currently planned and what is proposed under the Preferred Alternative. Each major issue area included in the detailed impact analysis in Chapter 5 has been considered in the analyses for the No Project Alternative and the other three alternatives--the Reduced Project Alternative, the Community Character Alternative, and the Reduced Traffic Impact Alternative. See also the Response to Comment V-16.

- V-19** Comment noted. The comment does not pertain to the adequacy or content of the dEIR. The comment, however, will be forwarded it to the appropriate City decision making body.

- V-20** See Response to Comment V-11.

**VERBATIM TRANSCRIPT
CLOSE OF PUBLIC REVIEW PERIOD FOR
DRAFT EIR 05-01
FEBRUARY 14, 2005**

Rock Mountain Road and SR-125; its not accounted for and I would note that there are significant land use changes adjacent to that site (a technology park and town center).

- V-21 Secondly, there is no real analysis of the necessity for health care facilities in the east planning area. Whether the health care facilities are built or not, that impact needs to be looked; it has significant environmental impact.
- V-22 The third is, there is no treatment of the FAA's vortec site in Village 7. Its treated as part of the planning area; its in fact, not available for development and won't be.
- V-23 Finally, the elimination of Otay Valley Road west of La Media cuts off a major source of access to the entire east planning area and is covered very briefly in the DEIR and we don't feel adequately.

Thank you."

V-21 See Response to Comment V-14.

V-22 See Response to Comment V-15.

V-23 See Response to Comment V-12.

CROSSROADS II

RESIDENTS WORKING TOGETHER TO KEEP CHULA VISTA A GREAT PLACE TO LIVE

RESPONSE

Will T. Hyde
Co-Founder, 1919-2004

Steering Committee

Patricia Aguilar
President

Lupita Jimenez
Vice President / Co-
Recording Secretary

Susan Warry
Membership
Coordinator

Sandy Duncan
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Sam Longmacker

Jim Peterson

Fred Cowles

Carlene Scott

Gerry Scott

November 2, 2005

Steve Power AICP
Environmental Projects Manager
City of Chula Vista
276 Fourth Avenue
Chula Vista CA 91910

HAND DELEIVERED AT PLANNING COMMISSION PUBLIC HEARING

SUBJECT: Comments on Recirculated Draft Environmental Impact Report
Proposed City of Chula Vista General Plan Update

Dear Steve,

Crossroads II has reviewed the proposed General Plan Update (GPU)
Recirculated Environmental Impact Report (RDEIR) and finds that it is
inaccurate and inadequate in disclosing environmental impacts that may result
from adoption of the GPU.

W-1 We believe that the RDEIR is in violation of CEQA in that it fails to explain
how the timing of the release of this document does not constitute "piecemeal"
planning in that it is being released just before anticipated release of EIRs for the
Bayfront and Urban Core Specific Plan. The CEQA Guidelines specifically
state, "This section follows the principle that the EIR...must show the big
picture of what is involved."

We have, in addition to the above comment, attached specific comments on
various sections of the RDEIR.

We look forward to receiving a copy of the Final EIR.

Patricia Aguilar
President

ATTACHMENT - 8 pages

W-1 This comment states that the timing of the GPU constitutes piecemealing in that it is being
released before the anticipated release of the EIRs for the Urban Core Specific Plan and the
Bayfront. The dEIR for the GPU is not piecemealing. The GPU is a program level document that
establishes general land use categories and densities for the Urban Core.

The Urban Core Specific Plan will be consistent with the GPU and will constitute the next level of
project refinement and detail. Site specific uses and development standards will be established in
the Urban Core Specific Plan. It is appropriate that the Urban Core Specific Plan be considered
after adoption of the GPU since it will serve to implement the policies and objectives established
by GPU for the Urban Core area.

As discussed in the dEIR (pages 584-585), the Port of San Diego is the lead agency for the
proposed Chula Vista Bayfront Master Plan. Only a portion of the actual Bayfront area is within
the City of Chula Vista. The Notice of Preparation for the Bayfront Master Plan EIR describes the
construction of approximately 2,000 residential units and over 1,000,000 square feet of retail and
commercial use in the Bayfront area. The dEIR considered land use designations for the Bayfront
Planning Area under the adopted General Plan which constitutes a worst case scenario. The
cumulative analysis was based on the existing General Plan and the proposed Master Plan, and
found that development under the adopted General Plan resulted in greater impacts.

PR-150

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RESPONSE

TRANSPORTATION

The Transportation section of the Recirculated Draft EIR (RDEIR) sets an inappropriate threshold for judging the significance of traffic impacts due to adoption of the GPU. Further, it does not fully disclose the traffic impacts that could occur as a result of adopting the GPU. Specifically:

- W-2 (1) The City of Chula Vista has an adopted a traffic circulation threshold. It is:

*Citywide – Maintain LOS C or better, except LOS D can occur for no more than two hours during peak periods.
West of I-805 – Signalized intersections that do not meet the former standard may continue to operate at their 1991 LOS, but should not worsen.*

Threshold 2 (Circulation Impacts) in the Transportation section of the RDEIR establishes a completely new traffic circulation threshold that has NOT been adopted by the city, nor have any public hearings been held on adopting a new threshold. The FEIR must revise Threshold 2 and reanalyze traffic impacts using the adopted traffic circulation threshold as the basis for determination of significance.

This issue was raised in our September 10, 2004 response to the NOP. In addition, this same error occurred, and was pointed out during the comment period on the December 2004 version of this DEIR.

- W-3 (2) The RDEIR does not disclose the traffic model assumptions that are used in the Transportation analysis. Table 1.4-1 in Appendix E identifies 11 analysis scenarios (model runs) that offer various combinations of several assumptions, including differing assumptions about land uses in Otay Mesa, whether or not SR-125 is assumed to be a toll road or a freeway, and differing assumptions about whether or not the Regional Transit Vision is implemented or not. It is impossible to judge the validity of the traffic analysis without knowledge of the most fundamental assumptions behind them. A discussion regarding which of the 11 assumption scenarios is used in the traffic analysis, and why that particular one is used, must be incorporated into the FEIR to fully inform the decision-makers and public.

- W-4 Other undisclosed assumptions include:

- Assumptions made regarding Bayfront land uses.
 - Assumptions regarding potential grade separated-trolley crossings.
- This issue was raised in our September 10, 2004 response to the NOP.**

- W-2 This comment states that the transportation section sets an inappropriate threshold for judging the significance of traffic impacts. The comment references the GMOC threshold for corridors of LOS C except for a period of no more than two hours during which LOS D can occur, with the inclusion of the proposed project. This is a short-term corridor threshold used to evaluate specific projects. The existing performance standard of LOS C is not appropriate for the long-range analysis in the GPU EIR. See Response to Comment M-25.

- W-3 This comment requests a disclosure of traffic model assumptions that are used in the analysis. It questions which of the 11 assumption scenarios was used in the traffic analysis and why they were used. The traffic technical study reports 11 model runs that were used as part of the evaluation of the General Plan Update. The impact analysis of plan alternatives discussed in the dEIR was based on "... Year 2030 conditions based on a plan-to-ground assessment ..." (Appendix E:Page 33and Page 349 of the dEIR). The model runs associated with this analysis are specified as Scenarios II, III, IV, and V as addressing Scenarios 1, 2, 3, and the Preferred Plan and described in Table 1.4-1 of the traffic technical report. The dEIR has been revised to include Table 1.4.1 as follows:

The project's circulation impacts were determined based on a comparison of long-term future conditions to existing conditions (i.e., "plan-to-ground"). The traffic implications of proposed land use/transportation network alternatives were evaluated using the SANDAG TRANPLAN regional traffic model, which is based on Series 10 employment and population projections for the San Diego region. This computerized model takes land use and transportation network information as inputs and estimates the volumes of traffic on existing and future roadways under long-term future conditions using the four-step Urban Transportation Planning Process. Table 5.10-3 summarizes the land use and network assumptions for each alternative evaluated in the study. The planning "horizon year" for this study is the Year 2030. Regional transportation infrastructure was modeled using SANDAG's "reasonably expected" Mobility 2030 assumptions. The impact analysis assumed that the city was built out in 2030, but that the surrounding area was consistent with the SANDAG land use assumptions for the year 2030.

- W-4 This comment states that the dEIR does not disclose the modeling assumptions concerning the Bayfront and grade separated trolley crossings. The comment indicates that Bayfront land uses and grade separated trolley crossings were not specified. The traffic analysis assumed the currently adopted circulation system except as modified by the network changes identified on pages 350–353 of the dEIR.

The traffic analysis did not assume grade separated trolley crossings. The analysis used the adopted Bayfront Master Plan as explained on pages 584-585 of the dEIR. The effect of grade separation was evaluated, but the impact analysis assumed the worst case, no separation condition. This analysis evaluated different options for the trolley line to pass beneath E Street and H Street. In all cases, the traffic study recommended that H Street be constructed as a six-lane roadway from I-5 to Broadway, regardless of the option selected given high forecasted volumes on that segment. The discussion of grade separation can be found in Appendix A, Benefits of Trolley Grade Separation, to the traffic technical study (see Appendix E of the dEIR).

RESPONSE

- W-5** (3) The RDEIR fails to disclose the potential impact on city streets due to the fact that SR-125 will be a toll road. Because it will be a toll road, many people will use city streets to avoid paying the toll. "Toll avoidance" behavior is a known phenomenon among traffic engineers. Published studies have examined and verified it. The failure to disclose, discuss and analyze this issue in the RDEIR is especially egregious in this case because the GPU proposes a circulation plan that provides a free, parallel alternative to SR-125 – the combination of La Media and Otay Lakes Rd. between SR-905 and Bonita Rd.
- W-6** (4) Further, the RDEIR does not disclose the fact the City of San Diego is considering changes to the Otay Mesa Community Plan. New land uses in Otay Mesa may put additional traffic pressure on La Media- Otay Lakes Rd., which will join SR-905 in Otay Mesa to Bonita Rd. in Chula Vista. Because the RDEIR does not disclose the assumptions underlying the Transportation analysis, the decision-maker cannot know what Otay Mesa land use assumptions are being made, and therefore cannot come to an informed judgment regarding the validity of the traffic analysis. (See item 2 above.) The FEIR must explicitly disclose and analyze the Otay Mesa land use issue as it may affect traffic in Chula Vista.

- W-5** This comment states that the dEIR fails to disclose the potential impact due to the fact that SR-125 will be a toll road. As indicated on page 31 of the traffic technical report (see Appendix E), "All Year 2030 scenarios assume that SR-125 will operate as a tollway." The dEIR has been revised to include the following:

The future condition was determined for the Preferred Plan and each of the scenarios was evaluated by comparing the existing level of service to the future levels of service by scenario (see Table 5.10-4). In addition, all Year 2030 scenarios assume that SR-125 will operate as a tollway. The following results are organized by each component of Threshold 2.

The impact analysis presented in the dEIR was based on this assumption, which is the most conservative.

- W-6** This comment states that the dEIR does not disclose the fact that the City of San Diego is considering changes to the Otay Mesa Community Plan. The analysis did consider the potential Otay Mesa Community Plan under consideration by the City of San Diego. See Response to Comments E-6 and E-7 Pages 50 and 51 of the traffic technical report discuss the Otay Mesa Community Plan update being considered by the City of San Diego. That discussion concluded that:

Given the relatively limited and localized impacts associated with the Otay Mesa community plan update under Buildout conditions, it is concluded that results of the analysis contained in Section 1.4 and 1.5 of this report are valid in the context of the City of San Diego's proposed action. No additional analysis is recommended.

Sections 1.4 and 1.5 as referred to in this conclusion are the basis for the impact analysis and significance conclusions presented in the dEIR.

AIR QUALITY

Threshold 1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plan

W-7 The RDEIR is inadequate in that it fails to disclose feasible mitigation measures for conflicts with applicable air quality plans, which is identified as a significant adverse impact that can only be mitigated by changing the RAQS, which are not under the jurisdiction of the city. Mitigation measures that can be implemented by the city include: reduction in proposed density; seeking grants that would allow the city to reward people who purchase clean vehicles or install solar power; and requiring better energy efficiency in construction of new buildings. While these mitigation measures will probably not reduce the impact to the Conflict threshold to less than significant, these and other such measures would reduce the significance of the impact somewhat, are under the jurisdiction of the city, and should be identified in the FEIR.

Threshold 4: Expose Sensitive Receptors to Substantial Pollutant Concentrations

The RDEIR incorrectly analyzes impacts of the GPU in relation to Air Quality Threshold 4. The RDEIR concludes, "The potential for development under the preferred plan to result in a land use that would violate an air quality standard or contribute to an existing violation is self-mitigating..." But this conclusion is unrelated to the threshold. The threshold is not "violate an air quality standard" or "contribute to an existing violation." The threshold is, "Expose sensitive receptors to substantial pollutant concentrations." So, while the Policy EE-6.4 may self-mitigate against violating an air quality standard or contributing to an existing violation, it does not self-mitigate against exposure of sensitive receptors to pollutant concentrations.

On the contrary, the GPU may deliberately expose sensitive receptors to substantial pollutant concentrations. The California Air Resources Board (CARB) *Air Quality and Land Use Handbook* (April 2005) contains the following:

Recommendation

Avoid siting new sensitive land uses within 500 ft. of a freeway, urban roads with 100,000 vehicle/ day, or rural roads with 50,000 vehicles/day.

The GPU ignores this recommendation from the CARB, which is based on an extensive series of health studies. The GPU deliberately sites "new sensitive land uses" (high density, residentially designated land) within 500 ft. of I-5. This impact is NOT self-mitigated by Policy EE-6.4. The FEIR should fully disclose these facts, should find that the impact of the GPU on sensitive

W-7 This comment states that the dEIR is inadequate because it fails to disclose feasible mitigation measures for conflicts with applicable plans. The conclusion in the dEIR that the proposed General Plan Update will conflict with applicable plans is based on the fact that because the proposed land use changes would be inconsistent with the adopted General Plan upon which the RAQS was based, the General Plan Update would not conform to the current RAQS (see page 415 of the dEIR). If a project is inconsistent with the City's General Plan, it is not consistent with the growth assumptions in the RAQS. Consequently, the proposed General Plan Update would conflict with the adopted air plan. Issues associated with reducing air quality impacts are discussed under subsequent thresholds.

As discussed in Section 5.11.3.1 (page 399) of the dEIR, the City has a CO₂ Reduction Plan that aims to reduce CO₂ emissions to 80 percent of 1990 levels by the year 2010. The plan established 20 action measures in order to achieve this goal. Several of those measures are directly supported by the proposed General Plan Update. These include:

- Enhanced pedestrian connections to transit
- Increased housing density near transit
- Site design with transit orientation
- Increased land use mix
- Bicycle lanes, paths, and routes
- Increased employment density near transit

Although measures, such as pedestrian trails, on-street bicycle paths, and an emphasis on public transit, have been incorporated into the proposed General Plan Update to lessen air quality impacts, because the General Plan Update is not consistent with the growth assumptions used to develop the RAQS, there is a conflict with an applicable plan. It should be noted, however, that the nature of the General Plan Update's land use plan and policies could very well represent an improvement to air quality, in that it stresses walkable communities and transit oriented/mixed use development.

AIR QUALITY

Threshold 1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plan

W- The RDEIR is inadequate in that it fails to disclose feasible mitigation measures for conflicts with applicable air quality plans, which is identified as a significant adverse impact that can only be mitigated by changing the RAQS, which are not under the jurisdiction of the city. Mitigation measures that can be implemented by the city include: reduction in proposed density; seeking grants that would allow the city to reward people who purchase clean vehicles or install solar power; and requiring better energy efficiency in construction of new buildings. While these mitigation measures will probably not reduce the impact to the Conflict threshold to less than significant, these and other such measures would reduce the significance of the impact somewhat, are under the jurisdiction of the city, and should be identified in the FEIR.

Threshold 4: Expose Sensitive Receptors to Substantial Pollutant Concentrations

W-8 The RDEIR incorrectly analyzes impacts of the GPU in relation to Air Quality Threshold 4. The RDEIR concludes, "The potential for development under the preferred plan to result in a land use that would violate an air quality standard or contribute to an existing violation is self-mitigating..." But this conclusion is unrelated to the threshold. The threshold is not "violate an air quality standard" or "contribute to an existing violation." The threshold is, "Expose sensitive receptors to substantial pollutant concentrations." So, while the Policy EE-6.4 may self-mitigate against violating an air quality standard or contributing to an existing violation, it does not self-mitigate against exposure of sensitive receptors to pollutant concentrations.

On the contrary, the GPU may deliberately expose sensitive receptors to substantial pollutant concentrations. The California Air Resources Board (CARB) *Air Quality and Land Use Handbook* (April 2005) contains the following:

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Avoid siting new sensitive land uses within 500 ft. of a freeway, urban roads with 100,000 vehicle/ day, or rural roads with 50,000 vehicles/day.

The GPU ignores this recommendation from the CARB, which is based on an extensive series of health studies. The GPU deliberately sites "new sensitive land uses" (high density, residentially designated land) within 500 ft. of I-5. This impact is NOT self-mitigated by Policy EE-6.4. The FEIR should fully disclose these facts, should find that the impact of the GPU on sensitive

W-8 This comment states that the dEIR incorrectly analyzes impacts in relation to Threshold 4 in that it concluded that the potential for development under the Preferred Plan to result in a land use that would violate an air quality standard or contribute to an existing violation is self mitigating. The comment addresses the statement on page 419 of the dEIR in Section 5.11.5 Mitigation Measures. This statement is an error and refers to Threshold 2 rather than Threshold 4. The text of this paragraph has been revised.

The analysis of Threshold 4 is presented on Pages 403 and 415, with the Level of Significance Prior to Mitigation presented on Pages 416 and 417 of the dEIR. That conclusion is that the potential for development under the Preferred Plan or any of the Scenarios to expose sensitive receptors to substantial pollutant concentrations is self-mitigated and not significant because Policy EE 6.4 of the proposed General Plan Update avoids the placement of a sensitive receiver within 1,000 feet of major toxic air emitters and Policy EE 6.10 requires analysis of health risk resulting from new development or redevelopment projects within 500 feet of a highway. In addition, pollutant concentrations resulting from CO hotspots is self-mitigated and not significant because the adoption of Policy LUT 14.2 requires the City to optimize and maintain the performance of the traffic signal system and the street system, to facilitate traffic flow and to minimize vehicular pollutant emission levels.

The statement under Section 5.11.5 on Page 419 has been modified in the Final EIR to reflect this conclusion. There are no new impacts as a result of the modification.

The California Air Resources Board Air Quality and Land Use Handbook is "advisory and does not establish regulatory standards of any kind." However, comments will be forwarded to the appropriate City Decision making body.

receptors (Threshold 4) is significant, and then either propose mitigation measures or a new alternative to the Preferred Plan and its Scenarios that precludes new residential development within 500 ft. of freeways.

PUBLIC SERVICES

Parks and Recreation

W-9 The Parks and Recreation sub-section of the Public Services section of the RDEIR contains an error in table 5.13-12. This table identifies two parks in the Central area that footnote 2 calls "proposed but not yet programmed." The Public Facilities and Services element of the GPU (Fig. 8-8/PFS-39) refers to the Woodlawn Avenue/F St. park as a "potential" park, not a future park. As such it should not be counted in a table labeled "Existing and Future Park and Recreation Facilities."

W-10 Further, the RDEIR is incorrect when it concludes that "Impacts to the provision of park and recreation services would be avoided because...complying with Objective GM1." Objective GM1 is "Concurrent public facilities and services." The policies under this objective refer to the threshold standards in the city's Growth Management program. However, the city's Growth Management threshold for parkland only applies east of I-805. (See page 489 of the RDEIR.) Therefore, there is no city standard requiring that parks west of I-805 be constructed concurrently with need. Therefore, impacts to provision of park and recreation facilities west of I-805 are not avoided by complying with Objective GM1, because GM1 only applies east of I-805. Therefore, the RDEIR conclusion that impacts to provision of parks and recreation services are avoided by compliance with GM1 is incorrect. The FEIR should conclude that impacts to provision of park and recreation services are potentially significant due to the fact that GM1 does not apply city-wide.

Schools

W-11 The Schools sub-section of the Public services section of the RDEIR is misleading because it contains a critical internal contradiction regarding the number of additional elementary schools needed as result of new development west of I-805. Table 5.13-10 indicates that under the Preferred Plan 3.87 additional elementary schools are needed in northwest, 1.75 additional elementary schools are needed in southwest, and 2 additional elementary schools are needed in the east. Then the following conclusion is stated: "As seen in Table 5.13-10, no additional elementary schools would be required in the west upon build out of the Preferred Plan; two would be needed in the east." (page 478) Either the above conclusion or the table is incorrect.

The issue of providing additional schools on the west side is a critical one for the decision makers and public. As the EIR states (page 478), "School sites in western Chula vista have little capacity for facility expansion. A significant level of funding, which is not currently

W-9 The comment states that there is an error in Table 5.13-12 of the GPU EIR. It states that because Fig. 8-8 of the GPU PFS depicts the Woodlawn/F St. park as a "Potential" park, and the footnote to Table 5.13-12 of the EIR states that the park is "proposed but not yet programmed" that the park should not be counted in the table 5.13-12 titled "SUMMARY OF EXISTING AND FUTURE PARK AND RECREATION FACILITIES". Figure 8-8 of the GPU PFS depicts existing, potential and future parks. Potential and Future parks are both planned for; however, Potential parks are not a part of an adopted implementing plan and Future parks are. As a result and to add clarity, a footnote will be added to Table 5.13-12 of the GPU EIR stating "Note: Future parks and recreation facilities include proposed parks that are not yet planned or programmed"

W-10 This comment states that the dEIR is incorrect when it concludes that impacts to the provision of park and recreation services would be avoided by complying with Objective GM1. The conclusion that there are no impacts to the provision of parks does not rely on Objective GM 1.

Section 5.13.5.4, Level of Significance Prior to Mitigation, indicates that the Chula Vista Municipal Code, Section 17.10 (the Park Development Ordinance – PDO) applies a standard of three acres of park land for every 1,000 people to all new development, and since the park demand forecast as resulting from the adoption of the Plan or any of the Scenarios results from population associated with new development, compliance with the PDO assures provision of three acres of dedicated park land for every 1,000 people for all new development. As a result, there is no significant impact to parks as a result of the adoption of the proposed General Plan Update. Reference to Policies PFS 14.5, PFS 15.7 and GM 1.1 and 1.11 are also noted as reducing the potential for impacts related to the provision of parks.

W-11 The comment states that the schools subsection of the public services section contains a critical contradiction. See Response to Comment N-1.

available, would be required to add the needed capacity and upgrade outdated classrooms." For these reasons, the issue of the number of new elementary schools needed on the west side must be clarified in the FEIR.

HOUSING AND POPULATION

Threshold 1: Substantial Population Growth

W-12 The RDEIR describes the regional process of forecasting growth, whereby SANDAG distributes regional housing and population growth figures. Although population is acknowledged as a significant impact, the RDEIR fails to acknowledge or analyze the fact that the proposed GPU proposes an increase in population and housing **well beyond** SANDAG's forecast. The FEIR must disclose this fact, and then analyze its rationale as well as its potential environmental consequences for the local area. The same comment applies to the GROWTH INDUCEMENT section of the RDEIR.

Thresholds 2/3: Displaces Substantial Numbers of Existing Housing/People

W-13 This section of the RDEIR remains as inadequate as the December 2004 edition, and for the same reasons. There is no quantified or geographical or affordability analysis of housing units that would be displaced by the proposed GPU. This section concludes that housing impacts are less than significant because displaced housing units can be accommodated within the General Plan area. The nature of the existing housing that would be impacted is not disclosed. If older, lower cost housing is lost, newer housing will not replace this housing in kind, and people will be displaced.

The analysis seems to rest on two assumptions to conclude that the impact is not significant: 1) the timing is considered "temporary" and 2) the planned number of units allowed under the General Plan exceeds the number to be removed with implementation of the General Plan. Neither assumption is adequate justification for a less than significant conclusion. A temporary impact does not mean it is not significant, particularly because temporary in General Plan timeframes (build out by 2030) could be a long time. Without further analysis both significance thresholds of housing represent significant impacts that should have been disclosed in the RDEIR. The re-designation and intensification of land use categories, particularly within the Urban Core area, has the potential to displace substantial numbers of existing homes and people, and represents a potentially significant impact that must be addressed in the FEIR.

This issue was raised in our September 10, 2004 response to the NOP.

W-12 SANDAG's growth projections are based on the current adopted land use plans and policies as they stand today. Therefore, SANDAG used the adopted General Plan land uses to determine the projected population growth. This represents the increase in population from SANDAG's projections and the General Plan Update projections. SANDAG produces these long-range forecasts of population, housing, employment, and demographic characteristics approximately every four years. The growth projections will be revised by SANDAG based on the General Plan Update once SANDAG forecasts their long-range projections again.

Page 579 of the dEIR concluded that while there will not be a substantial increase in regional population as a result of the proposed Preferred Plan or any of the Scenarios, there will be a substantial increase in the population in the City of Chula Vista compared to the existing condition. This is considered a significant impact. However, the proposed General Plan Update is specifically intended to provide for the orderly growth of the City of Chula Vista, define the limits to that growth, and act as a mechanism to accommodate and control future growth. Development permitted by land use policy would provide needed housing for all income levels, create compact and pedestrian-friendly urban development, and protect natural resources. The General Plan Update would result in a more inclusive community, improve the balance between housing and employment, and foster a stable economic base and diverse employment opportunities (Page 578 of the dEIR).

The General Plan Update would provide guidance to citizens, developers, City staff, and decision-makers over the next 25 years, through the Year 2030. It pays particular attention to "Smart Growth" principles being promoted throughout the country, California, and the region through SANDAG's Regional Comprehensive Plan. The Smart Growth principles are incorporated in the General Plan's Vision and Themes, which guide the Land Use Plan and also provide the basis for many of the Land Use and Transportation Element's policies (Pages 578 and 579 of the dEIR).

The dEIR concluded that growth inducing impacts from implementation of the General Plan Update were significant and not mitigated. Page 601 of the dEIR states that because the General Plan establishes land uses that can accommodate growth, thereby removing a barrier to growth in the city, it is growth inducing. The issues discussed in the Environmental Impact Analysis section of the dEIR address the direct and indirect effects of this growth. Since there are impacts resulting from issues associated with this growth, the growth-inducing impacts of the proposed General Plan Update area considered significant and not mitigated.

W-13 See Response to Comment M-5.

RESPONSE

LANDFORM ALTERATION/AESTHETICS

Threshold 1: Scenic Resources and Vistas

W-14 The RDEIR concludes that implementation of policies in the GPU will not result in a significant impact to scenic resources because the policies provide opportunities to improve the city's appearance, and refers to Policy 13.4 that requires special design considerations adjacent to designated scenic routes.

However, the RDEIR fails to disclose that the number of designated scenic routes has been substantially reduced from the current adopted General Plan. The FEIR should analyze this reduction, explain the rationale for it, and consider the proposed reduction in scenic routes to be a potentially significant impact on scenic resources.

W-14 This comment states that the dEIR fails to disclose the number of designated scenic routes that have been substantially reduced from the current adopted General Plan. The Preferred Plan increases the mileage of the designated scenic routes. Scenic Routes are designated in Figure 5.4 of the GPU.

RESPONSE

ALTERNATIVES

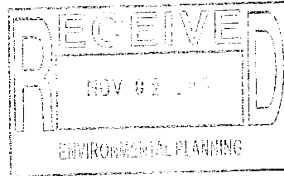
W-15 The scenario forming the basis for the "Reduced Project Alternative" is not credible. This scenario was developed by "taking a combination of the least developed, highest park and open space components for the Preferred Plan and each of the scenarios for the areas that change." This does not represent a real alternative; instead it is just a combination of various elements of the proposed plan.

A better way of defining the "Reduced Project" alternative would be to use SANDAG's forecast for the region, which would reduce projected 2030 population by about 20,000 people. This should form the basis of the "Reduced Project" alternative.

W-15 See Response to Comments M-8 and M-9.



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RESPONSE

November 2, 2005

Mr. Paul Hellman
Environmental Projects Manager
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

RE: Sierra Club San Diego Chapter comments on the DEIR for the Chula Vista General Plan Update

Dear Mr. Hellman:

The Sierra Club San Diego Chapter welcomes the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Chula Vista General Plan Update (GPU). A Sierra Club San Diego Chapter representative served on the Environment, Open Space, and Sustainable Development Subcommittee.

Some of the changes to the EIR do more honestly evaluate the effects of the GPU. More significant and unmitigatable impacts are now acknowledged. This makes a stronger case for not accepting the GPU in its current form.

Recirculation of the DEIR was a good move but it is still premature. The housing element is currently being revised. Waiting for this element would hopefully provide mitigation for some of the plans deficiencies, particularly the displacement issues. It is difficult to understand why the city of Chula Vista is in such a big hurry to rush through its GPU. Other jurisdictions are taking more time and allowing for more public discussion and contemplation.

Baseline:

X-1 Baselines should be on the street evaluations of present conditions not an unimplemented existing plan or an outdated housing element. In particular the DEIR should not use citywide averages. 2000 Census data shows the percentage of the population below the federal poverty level for the 25 census tracts in Chula Vista west of the 805 is 15,712 out of 107,695 people, or 15%. The numbers for eastern Chula Vista are 3,169/72,841 or 4.3%. The percentage for the entire county is 338,399 out of 2,722,408, or 12%. This is a huge difference between the east and the west. The GPU and the DEIR do not adequately address these differences.

X-2 The population and housing section needs to insure these people are not displaced. If some relocation is necessary to implement this plan it must be mitigated fully by payment of moving expenses, simultaneous replacement of housing affordable to the people displaced through a program funded by the developer and/or government and be acceptable to the people involved.

- X-1 The EIR used the current population and the total number of housing units within each of the planning areas for the baseline comparisons (page 574 and Table 5.17-1). The total number of housing units in the City of Chula Vista planning area as of January 1, 2004 was 74,231, with a population of 222,300 people. Within the incorporated City boundaries, there were 70,067 housing units and 209,200 people. Table 5.17-2 compared the increase in population and housing units for the Preferred Plan and all three Scenarios using existing conditions as the baseline for analysis and not the existing General Plan. The EIR does not address socioeconomic effects of the project. Section 15131 (b) of the CEQA Guidelines limits the discussion of environmental impacts to physical changes in the environment. While the CEQA guidelines indicate that socioeconomic effects can be used to determine the significance of an impact, they are not to be considered as an environmental effect. Since the relative poverty levels of Chula Vista communities are socioeconomic issues independent of physical changes, they were not addressed in the EIR.
- X-2 This comment states that the displacement of people and housing units should both be considered undisclosed, significant adverse impacts. See Response to Comment M-5.

RESPONSE

X-3 **Air Quality:** The significant negative impacts of the reduction in air quality caused by the GPU must and can be mitigated for. A plan for getting the regulations changed is not satisfactory. This is just an acknowledgement that more people and more traffic means dirtier air. The number one mitigation that would work is a reduction in density.

X-4 The city could go a step further than its current excellent policies to curb global warming and reduce CO₂ emissions by seeking grants that would allow it to actually reward people who choose to buy clean air vehicles and install solar panels. The CCA program is a positive step if it is implemented in a way that will significantly increase the amount of renewable energy produced within the city.

The city has the power to require every developer to produce 40% or more of the power needed for his/her development. The city needs to use that power. The city could also require 40% better energy efficiency in all new construction instead of only 20% and LEED standard of Gold. Since the majority of power produced is from fossil fuels, these new standards would have a significant impact on air quality as well as upon energy availability.

X-5 The power plant is a significant polluter of the air in Chula Vista. Eliminating the need for that plant would help air quality considerably. It is not acceptable to say that the power plant is outside of the GPU area. Its impacts are felt within the area and should be addressed in the DEIR. The cloud of pollution from the plant impacts the health of the people now living in the southwestern part of Chula Vista. The GPU is suggesting placing more people in this plume with the proposed projects in the Palamar trolley area, along south Broadway and South Third. Even if a cleaner power plant were to replace the existing one it is inappropriate to place people in range of its discharges. There is ample data available to provide a detailed analysis of these health effects. The ARB handbook suggests a distance of 1000 feet between a power plant and sensitive receptors (old, young and people with respiratory problems). This would include medical facilities, nursing homes, day care, schools, and residences.

There are way too many homes within 500 feet of 805 and 5 right now. The new Air Quality Review Board's Handbook includes much data verifying the health risks especially to children from living within 500 feet of a busy road. There are many homes planned for along 125 and it backs up to the fence of Eastlake High School. Current state law says that schools need to be sited further than 500 feet from a freeway. A freeway should not be sited adjacent to an existing school. (ARB Handbook pp 8-10 <http://www.arb.ca.gov/ch/landuse.htm>) The proposed high density residential at E and H Street trolley stations needs to be sited more than 500 feet from I-5. (See also: KEY STUDIES ON AIR POLLUTION AND HEALTH EFFECTS NEAR HIGH-TRAFFIC AREAS Compiled by the Environmental Law and Policy Center and the Sierra Club) Health assessments or having people sign liability releases are neither ethical nor acceptable alternatives to not placing residences in unhealthy locations.

<http://www.nrdc.org/health/effects/fairpoll.asp> lists some of the many negative health effects caused by the breathing of diesel exhaust and the accompanying particulate matter. The city is exemplary in requiring all the garbage trucks to use bio-diesel and the buses to use CNG, but there are numerous other trucks particularly in the Main Street area. As the city grows denser there will be more truck traffic to serve the increased businesses and residences. The city must take a proactive role in encouraging fleets of trucks that frequent the city streets, as well as school buses to switch to bio-diesel or other cleaner burning fuels. The city also needs to enforce the new regulations limiting the amount of time trucks may idle.

Two simple mitigations involve landscaping. Two-stroke landscaping tools are used way too frequently in the city. There is a need for an ordinance restricting their use. Developers should also be required to plant more trees and other vegetation. Electric-powered or lesser polluting construction equipment should be mandated and closer supervision of construction sites to make sure all BMP's are followed would make sure that increased construction did not further degrade air quality.

X-3 This comment recommends a reduction in density over that of the Preferred Plan to reduce negative impacts to air quality. The General Plan Update includes alternative transit measures, such as pedestrian trails, on-street bicycle paths, and an emphasis on public transit to lessen air quality impacts (page 399 of the dEIR). The nature of the General Plan Update's land use plan and policies could very well represent an improvement to air quality, in that it stresses walkable communities and transit oriented/mixed use development (page 415 of the dEIR). Furthermore, it is likely that with the next regional growth forecast conducted by SANDAG and the associated air quality management plan that air quality improvements will be forecast. However, any type of change to the adopted General Plan would lead to a plan inconsistency. Because of the plan inconsistency and the timing of revisions to the RAQS, and until such time that the region is in compliance with the Ozone and PM₁₀ standards, the impact remains significant and unmitigated.

X-4 This comment does not reflect on the adequacy of the EIR. The comment, however, will be forwarded it to the appropriate City Decision making body.

X-5 The recirculated dEIR discussed the following five industrial facilities, including the power plant, in the City of Chula Vista regarding their emission inventories and health risk assessments:

1. BF Goodrich/Rohr Industries
2. Hanson Aggregates at 7th and Main
3. Hanson Aggregates at Rock Mountain
4. Duke Energy, South Bay Power Plant (SBPP)
5. Ogden Power Pacific at the Otay Landfill

Table 5.11-11 of the dEIR provides the results of these health risk assessments. This table presents the maximum lifetime cancer risk, cancer burden, and chronic and acute Total Health Hazards Index (THI) for each facility. Public notification and risk reduction requirements are based on these levels. Public notification is required if the maximum incremental cancer risk is 10 in 1,000,000 or greater and a significant risk is defined as 100 in 1,000,000. In addition, public notification is required and a significant risk is determined if the cancer burden, chronic THI or acute THI is 1.0 or greater. None of the Chula Vista facilities addressed in the Program Report are required to perform Public Notification or Risk Reduction because all are below the Public Notification and Risk Reduction levels.

The California Air Resources Board Air Quality and Land Use Handbook is "advisory and does not establish regulatory standards of any kind." However, comments will be forwarded to the appropriate City Decision making body.

Air Quality: The significant negative impacts of the reduction in air quality caused by the GPU must and can be mitigated for. A plan for getting the regulations changed is not satisfactory. This is just an acknowledgement that more people and more traffic means dirtier air. The number one mitigation that would work is a reduction in density.

The city could go a step further than its current excellent policies to curb global warming and reduce CO₂ emissions by seeking grants that would allow it to actually reward people who choose to buy clean air vehicles and install solar panels. The CCA program is a positive step if it is implemented in a way that will significantly increase the amount of renewable energy produced within the city.

The city has the power to require every developer to produce 40% or more of the power needed for his/her development. The city needs to use that power. The city could also require 40% better energy efficiency in all new construction instead of only 20% and LEED standard of Gold. Since the majority of power produced is from fossil fuels, these new standards would have a significant impact on air quality as well as upon energy availability.

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Two simple mitigations involve landscaping. Two-stroke landscaping tools are used way too frequently in the city. There is a need for an ordinance restricting their use. Developers should also be required to plant more trees and other vegetation. Electric-powered or lesser polluting construction equipment should be mandated and closer supervision of construction sites to make sure all BMP's are followed would make sure that increased construction did not further degrade air quality.

X-6 The recirculated dEIR concluded that the potential for development under the Preferred Plan or any of the Scenarios to expose sensitive receptors to substantial pollutant concentrations is self-mitigated and not significant because of Policy EE 6.4 of the proposed General Plan Update avoids the placement of a sensitive receiver within 1,000 feet of major toxic air emitters and Policy EE 6.10 requires analysis of health risk resulting from new development or redevelopment projects within 500 feet of highway (Page 406 of the dEIR).

The California Air Resources Board Air Quality and Land Use Handbook is "advisory and does not establish regulatory standards of any kind." We will, however, forward it to the appropriate City Decision making body.

X-7 This comment does not reflect on the adequacy of the EIR. Comment is noted and will be forwarded to the appropriate City decision making body.

X-6

X-7

RESPONSE

X-8 Of course the best way to prevent a further worsening of air quality and increase of smog is to reduce the number of C and D streets. Idling cars create more emissions (and idling trucks cause even more problems.) Every time there is an event at Coors and cars are in line for hours air quality suffers. The delays now being experienced during rush hour and due to road construction are greatly degrading our air quality with no further increase in population. The proposed increases in population in the GPU must be mitigated by reducing traffic significantly. This would require the investment of significant money into a transportation system that is cheaper, more efficient and convenient than using a car. This would be way beyond anything that SANDAG would fund. A commitment to this expenditure of funds needs to be included as mitigation.

X-9 The worsening of the current congestion on I-5, 54 and 805 during daily rush hours must be considered when evaluating the effects likely to be caused by the addition of the Urban Core and the Bayfront proposed retail, residential and commercial. The additional construction in South San Diego and the 80,000 new residents yearly in Tijuana also need to be considered.

Housing squeeze play | As Tijuana grows at breakneck speed, it also struggles to provide adequate, affordable homes. The city faces huge trade-offs in its sprawling developments.; [1,2,3 Edition]

Sandra Dibble. The San Diego Union - Tribune. San Diego, Calif.: Nov 14, 2004. pg. A.1

Chula Vista is near the end of the county's cul de sac. Traffic from the south has to go through Chula Vista to get to San Diego. Saying this is Caltrans' problem is not satisfactory. This is Chula Vista's problem, and Chula Vista needs to do something about it.

X-10 The 1,000- foot buffer (without all the loop holes) around the landfill needs to be reinstated. Light industry in the buffer zone is acceptable, but it needs to be of an adequate size to protect residents. Also there needs to be a 500 foot or more buffer between most industrial uses and residential. The maps for the southwestern area of Chula Vista and the east do not appear to reflect this buffer. Again the ARB Handbook is very specific, and these standards need to be used as mitigation for these uses near residential.

All of the suggestions in the ARB Handbook should be incorporated into the GPU in order to protect the health of all residents. The peaker plant off of Main Street was sited way too close to residential. The GPU is suggesting moving the car repair, etc. shops to south Broadway. This could cause a conflict with current residential uses nearby. The handbook has minimal buffer distances that need to be considered. The Cumulative impacts of siting many different types of activities near residential is documented in the handbook and needs to be discussed in the FEIR with the only acceptable mitigation being placing them an appropriate distance from residential.

Traffic: The extension of La Media Road over the Otay River should not be considered. The number one reason is the negative consequences to the habitat to be preserved as part of the OVRP. Even a bridge of the same height as the 125 bridge would have huge negative impacts upon these habitats. Nowhere is this analyzed in the RDEIR. Previous analysis is not relevant since the population is much greater now and the amount of open space much less. Therefore, every threat to habitat areas has been magnified in impact. This extension is foolish because it gives a ready alternative to the toll road less than a mile away. See for a case in point: <http://www.smb.com.au/news/opinion/for-whom-the-toll-bells-underground-avoidance-and-more-trafficabove/2005/10/10/1128796465397.html>. If there is an easy near by alternative people will use it to the detriment of our neighborhoods. There should be an analysis of the impact of this avoidance behavior on the neighborhoods of western and eastern Chula Vista. There are already many drivers avoiding congestion on the existing freeways using city streets.

Parking is a traffic related issue that needs to be dealt with. Virtually every residence has two cars, many more than two. This is because at least two adults are working to support the

X-8 Alternative transit measures, such as pedestrian trails, on-street bicycle paths, and an emphasis on public transit, have been incorporated into the proposed General Plan Update to lessen air quality impacts (pages 399 and 415 of the dEIR). The nature of the General Plan Update's land use plan and policies could very well represent an improvement to air quality, in that it stresses walkable communities and transit oriented/mixed use development. Furthermore, it is likely that with the next regional growth forecasts conducted by SANDAG and the associated air quality management plan that air quality improvements will be forecast. A significant and not mitigated air quality impact was identified (Page 416 of the dEIR). Improved levels of service would reduce the potential for hot spot air quality impacts. Hotspot air quality impacts are discussed on Pages 406 and 407 of the dEIR. It was determined that no significant impact occurs regarding CO hotspots.

X-9 The recirculated dEIR analyzed the current effort underway to plan for the development of the Bayfront Planning Area within the City as well as the Urban Core Specific Plan. Cumulative impacts are not specifically assigned to Tijuana. To the extent that environmental conditions are a result of the contributions from Mexico, they are included in the baseline on which the impact analysis is based. For example, traffic volumes on area roads do not distinguish between vehicle trips originating in the United States or Mexico. As such, modeled conditions reflect contributions from both countries. This comment does not address the adequacy of the dEIR. Comment is noted and will be forwarded to the appropriate City decision making body.

X-10 As discussed in Response to Comments D-3 and D-4, above, this comment request that Scenarios 2 and 3 be revised in order to address inconsistencies between the Policy LUT 79.5 and the propose residential uses around the landfill buffer, land uses proposed under Scenarios 2 and 3. Policy LUT 79.5 of the General Plan Update limits land uses adjacent to the Otay Landfill to open space and limited industrial uses or business parks. Policy LUT 79.5 addresses the Preferred Plan land uses. The EIR concludes that significant impacts under Scenarios 2 and 3 would occur because both scenarios place residential uses adjacent to the landfill and would be in conflict with this proposed policy. The Preferred Plan is recommended by City staff. If the City Council decides to adopt Scenarios 2 or 3, the adoption of a Statement of Overriding Considerations for these impacts will be required.

As discussed above, the Preferred Plan is recommended by City staff. The recirculated dEIR concluded that significant impacts would occur with the approval of Scenario 2 or 3 as a result of the placement of residential uses within the 1,000-foot buffer of the Otay Landfill. Mitigation Measure 5.11-2 was established to reduce these impacts. Mitigation Measure 5.11-2 states the following:

5.11-2 No residential use shall be permitted or constructed within 1,000 feet of the Otay Landfill while the landfill is open and operating, unless a project specific analysis is completed demonstrating to the satisfaction of the Environmental Review Coordinator that odor effects are below the odor thresholds for common compounds emitted by the landfill for less than two percent of the time. One such compound would be hydrogen sulfide with an odor threshold of .0045 ppm.

Of course the best way to prevent a further worsening of air quality and increase of smog is to reduce the number of C and D streets. Idling cars create more emissions (and idling trucks cause even more problems.) Every time there is an event at Coors and cars are in line for hours air quality suffers. The delays now being experienced during rush hour and due to road construction are greatly degrading our air quality with no further increase in population. The proposed increases in population in the GPU must be mitigated by reducing traffic significantly. This would require the investment of significant money into a transportation system that is cheaper, more efficient and convenient than using a car. This would be way beyond anything that SANDAG would fund. A commitment to this expenditure of funds needs to be included as mitigation.

The worsening of the current congestion on I-5, 54 and 805 during daily rush hours must be considered when evaluating the effects likely to be caused by the addition of the Urban Core and the Bayfront proposed retail, residential and commercial. The additional construction in South San Diego and the 80,000 new residents yearly in Tijuana also need to be considered.

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The 1,000- foot buffer (without all the loop holes) around the landfill needs to be reinstated. Light industry in the buffer zone is acceptable, but it needs to be of an adequate size to protect residents. Also there needs to be a 500 foot or more buffer between most industrial uses and residential. The maps for the southwestern area of Chula Vista and the east do not appear to reflect this buffer. Again the ARB Handbook is very specific, and these standards need to be used as mitigation for these uses near residential.

X-11 All of the suggestions in the ARB Handbook should be incorporated into the GPU in order to protect the health of all residents. The peaker plant off of Main Street was sited way too close to residential. The GPU is suggesting moving the car repair, etc. shops to south Broadway. This could cause a conflict with current residential uses nearby. The handbook has minimal buffer distances that need to be considered. The Cumulative impacts of siting many different types of activities near residential is documented in the handbook and needs to be discussed in the FEIR with the only acceptable mitigation being placing them an appropriate distance from residential.

X-12 **Traffic:** The extension of La Media Road over the Otay River should not be considered. The number one reason is the negative consequences to the habitat to be preserved as part of the OVRP. Even a bridge of the same height as the 125 bridge would have huge negative impacts upon these habitats. Nowhere is this analyzed in the RDEIR. Previous analysis is not relevant since the population is much greater now and the amount of open space much less. Therefore, every threat to habitat areas has been magnified in impact. This extension is foolish because it gives a ready alternative to the toll road less than a mile away. See for a case in point: <http://www.smh.com.au/news/opinion/for-whom-the-toll-bells-underground-avoidance-and-more-trafficabove/2005/10/10/1128796465397.html>. If there is an easy near by alternative people will use it to the detriment of our neighborhoods. There should be an analysis of the impact of this avoidance behavior on the neighborhoods of western and eastern Chula Vista. There are already many drivers avoiding congestion on the existing freeways using city streets.

X-13 Parking is a traffic related issue that needs to be dealt with. Virtually every residence has two cars, many more than two. This is because at least two adults are working to support the

X-11 This comment does not reflect on the adequacy of the EIR. The California Air Resources Board Air Quality and Land Use Handbook is "advisory and does not establish regulatory standards of any kind." However, comments will be forwarded to the appropriate City decision making body. Comment noted.

X-12 The dEIR does not evaluate the impacts of the retention of the existing circulation system classifications or location. It addresses the proposed changes to that system. No changes are proposed for the La Media Road extension across the Otay River valley. The exact timing of the La Media Road improvements is not known at this time, and its schedule is likely to be impacted by the availability of funding sources, environmental analysis, and other considerations. For the purposes of the General Plan Update, La Media Road is anticipated to be in place by the Year 2030.

X-13 Objectives LUT 30, 31 and 32 of the General Plan Update address parking in detail. All projects will have to confirm to the City of Chula Vista parking standards in effect at the time of approval. The General Plan Update will not result in land uses being inconsistent with the City's parking requirements.

family. Looking at voter registration rolls one can see that there actually are 3 or more adults in many of the residences in Chula Vista and the rest of San Diego. The amount of parking needs to be increased. In Southwestern Chula Vista it is difficult for two cars to pass each other on some of the streets because the narrow streets are lined with parked cars. One of the worst streets is Oxford. Suggesting that Oxford become part of a city center for the southwest makes no sense.

X-14 It is important to use current information about average number of residents per household when estimating the amount of traffic generated by the new residences. The predictions in the DEIR are based upon old assumptions and conditions, not current ones. The traffic situation is likely to become far worse than predicted quite quickly.

X-15 **Population and Housing:** The GPU clearly creates significant unmitigated impacts in both these areas. Possibly when the housing element is adopted some of the impacts may be mitigated, but at this time they are significant. Adding the significant amount of residences suggested by this GPU will displace many existing residents. Many of these residents now live in lower priced older housing. Building a \$300,000 dwelling will not provide housing for someone now living in a low rent rental, a trailer, or a paid for house. Possible mitigations: Any developer of housing should be required to build an adequate percentage of housing affordable to the people who will be displaced by the implementation of the GPU to insure that they will have a place to live. Affordable housing must be provided simultaneously with jobs providing adequate wages to afford the housing or there is no smart growth advantage. Priority in hiring needs to be given to local residents as well as priority in housing, if there is going to be any possibility of reducing commuting.

For the last 8 years the city of Chula Vista has been providing significantly more residences than jobs. It has been developing as a bedroom community. This has significantly effected the traffic situation.

Table B.3-13 Region-Wide Historical Population, Housing, and Employment Data

Jurisdiction	1990	2000	2004	% Change 1990-2000	% Change 2000-2004
City of Chula Vista					
Total Population	135,160**	174,319**	209,133*	29%	17%
Total Housing Units	49,846**	59,333**	70,067*	19%	15%
Total Employment***	60,740	70,540	74,180	16%	5%

The significant density and housing increases in the GPU, especially in Otay Ranch would indicate a continuance of this pattern. There is a technology/research park along 125 in the plan, but the city has already allowed two shopping centers to occupy a part of this land. Shopping Centers do not provide the job quality needed to afford the houses being built in Otay Ranch, even if two or more families share a home. The university and the educational and commercial acreage shown for West Fairfield as well as the provision for added industrial in several areas offer the possibility of more quality jobs, but on the surface it appears the GPU will continue this troubling trend because instead of slowing down housing growth and allowing jobs to catch up it is accelerating the housing. The EIR needs to analyze the consequences upon Community Character, traffic, population and air quality of this troubling trend.

X-16 **Public Services:** There are places reserved in the east for new parks and schools, but nowhere on the maps are similar places shown in the west. The schools are already overcrowded in the west. The amount of park acreage is already inadequate. (Even if the two new parks predicted are considered.) The two libraries in the west have limited if any space for expansion. The new Animal Shelter is already full to capacity and in need of expansion. Hoping that San Diego will be able to sell Chula Vista additional sewage capacity considering the situation of San Diego is not adequate future planning.

X-14 The traffic impact analysis was evaluated using the SANDAG TRANPLAN regional traffic model, which is based on Series 10 employment and population projections for the San Diego region. This computerized model takes land use and transportation network information as inputs and estimates the volumes of traffic on existing and future roadways under long-term future conditions using the four-step Urban Transportation Planning Process. This process includes trip generation, mode split, trip distribution and traffic assignments. These are the accepted parameters for assessing regional traffic impacts. The comment provided does not identify an alternative approach to trip generation rates.

X-15 See Response to Comment M-5. Additionally, the analysis conducted in the dEIR was completed for the land use designations in the Preferred Plan and three Scenarios and compared the effect of those scenarios to the adopter General Plan and the existing conditions. To the extent that the proposed plan represents a given jobs housing balance, the analysis evaluated the effect of that jobs housing balance on the issues of transportation, community character, population and housing, and air quality.

X-16 This comment addresses the proposed project itself and does not reflect on the adequacy of the EIR. This comment will be forwarded to the decision makers for their consideration.

RESPONSE

X-17 It is extremely questionable that there is adequate water for these 100,000 new residents. Sweetwater authority wisely has responded to the NOP for this update that they can only respond to individual projects, and **“there is always a vulnerability when you must rely on an external source to provide water supply.”** Sweetwater can currently supply all its customers from local sources during wet times of the year, but this obviously will not be the case if it must go from providing 3.22 mgd to 15.91 mgd. It seems very foolish to force Sweetwater to increase its reliance on CWA water, when so many other places in CA are also relying on this water. San Diego and Sweetwater both have reservoirs that can provide up to 6 months storage if something were to happen to an aqueduct. On the other hand Otay is completely dependent on aqueduct 4 for all its water. Otay Water District is busily building more tanks to increase its storage from the current 5 days. An agreement with San Diego will get it to 10 days. It does not seem likely that its hope the CWA will bail it out in a disaster from its reservoirs is realistic since other water authorities are counting upon this water for their customers as well. OWD is counting on conservation and the use of recycled water to increase its supply from .09 mgd to 8.01 mgd required by the preferred plan. If an earthquake breaks an aqueduct Otay customers may find themselves in a difficult position. This unreliability is a big reason that all this density should be questioned.

X-18 **Energy:** The city has done a lot to promote energy conservation and with the CCA program will hopefully be providing greener energy in the future, but the city needs to start mandating green building, 40% energy conservation, and the use of solar on all new construction. The city has the power to require these things and should use that power.

X-19 **Storm Water:** It is extremely important that improved BMP's for storm water runoff be a part of this DEIR. The RWQRB recently sent Chula Vista a letter informing them of the need to do more for their new permit. Instead of arguing about it the city should insure that more is done in new construction. These improved standards need to be incorporated in pre-construction regulations. The ordinance preventing the use of devices to trap and filter runoff from roofs needs to be changed. With increasing mid-rise buildings and possible parking structures these filters become even more important. The GPU will increase impermeable surfaces considerably. This will increase runoff. There needs to be stricter guidelines to prevent stream gouging and erosion from storm runoff in new development. This is a great problem in canyons near existing developed areas. Some kind of retention basins have to be devised, possibly underground, to hold the runoff for treatment before discharge or preferably to allow the run-off to soak into the ground.

X-20 **Landform Alterations/Biological Resources:** It is noted that the recirculated DEIR now finds significant adverse impacts in these areas. The new language proposing to be more sensitive to the OVRP when uses are planned adjacent to it is a positive change. Being satisfied with the situation however is not commendable. There are mitigations that would not restore what has been lost but help prevent further damage.

Chula Vista needs to implement greater incentives and penalties to use green technologies for water conservation and reclamation, source reduction, and energy choices. It needs to have stricter laws requiring the reduction of pesticides and fertilizers.

It needs to increase the percentage of native plants required in every new project-residential, commercial, educational, and industrial. The San Diego Chapter of the California Native Plants Society would be happy to make suggestions about appropriate plants. At the very least any construction within 1,000 feet of an open space area should be required to use native plants.

X-17 See Response to Comment P-1.

X-18 This comment addresses the proposed project itself and does not reflect on the adequacy of the EIR. This comment will be forwarded to the decision makers for their consideration.

X-19 Development of the Preferred Plan would increase the residential, commercial, and industrial uses within the city compared to existing conditions, which would result in an increase in the amount of impervious surfaces and ornamental landscaping, and therefore an increase in runoff. The recirculated dEIR concludes that compliance with policies associated with the proposed Objective EE 2 would minimize the potential for adverse impacts to surface water and groundwater quality resulting from development completed in compliance with the proposed General Plan Update. As discussed on page 327 of the dEIR, conformance with policy EE 2.4 would ensure compliance with current federal and state water quality regulations, including the implementation of applicable NPDES requirements and the City's Pollution Prevention Policy. Policy EE 2.5 would include construction and land development techniques to minimized water quality impacts. This would be achieved by the preparation and implementation of an approved SWPPP and monitoring/testing program, with pollution control technology, and/or best management practices pursuant to direction by the SWRCB and the applicable RWQCB office. The conformance to Policies EE 2.2 through EE 2.7 and to all federal, state, and regional water quality objectives would ensure that impacts to surface water and groundwater quality from specific developments would not be significant.

X-20 The comment makes recommendations for the City relative to green technology, appropriate plants, and conservation. Although this comment does not address the adequacy of the dEIR, the GPU has objectives and policies in place in regards to green technologies, water conservation and reclamation, the use of pesticides and fertilizers, and energy conservation and choices. Additionally, the MSCP contains standards and regulations for any development adjacent to the MSCP Preserve.

X-21 The city should not permit any plant listed as invasive by the City of San Diego, University of California Cooperative Extension, California Invasive Plant Council, California Department of Food and Agriculture, and the California Native Plant Society to be planted anywhere in any new project in the city. Currently every open space “preserve area” is infested with Tamarisk, Arundo, Pampas Grass and other plants that often can be traced to near by homes or upstream areas. Education is what the MSCP calls for, but it obviously has not been implemented in existing developments. Ordinances, CCRs and deed restrictions need to be used in new developments, and the city needs to follow through with homeowners in existing developments. The city is also guilty of potentially causing infestation of open space with its planting of ornamental grasses along Auto Park Way. These grasses produce abundant seeds carried by wind and birds. Native grasses should have been planted here. In fact the city should be a good role model and tear them all out and replace them with appropriate native grasses.

X-22 The scenario that would allow the filling in of a part of Wolf Canyon is not consistent with the promise of long-term preservation in the MSCP. Also some of the grading practices are questionable along Wolf Canyon. One wonders if the result might not be the landslides suffered in Oceanside due to expansive clay soils.

In Salt Creek Canyon a golf course and a community park have been allowed to intrude upon the canyon. Non-native plants have been planted around over views. This is not consistent with the major revegetation of the area after the sewer lines were put in.

X-23 The suggestion to put the Wolf Canyon sewer line under the road is much preferable than using the canyon and has the potential to preserve more of its biological resources than was done at Salt Creek. The lower part of Salt Creek goes through the land designated for the University. There need to be very strict guidelines to protect this part of the creek from further destruction. Alta Road must not cross the canyon as previously agreed and no commercial recreation should occur at its mouth in the OVRP. There also need to be concrete guidelines insuring the preservation of the fragile and rare alkaline riparian nature of Salt Creek. The MSCP does not deal with this.

The expansion of Knott’s is mentioned, but no mitigation is suggested nor is it obvious as to how this can happen since it now has houses close to it.

X-24 It is notable that the Wild Life Refuge is mentioned in the section on West Fairfield. We are in disagreement with the designation of the Fenton Ponds as “developed.” Jurisdictional or not they are clearly water bodies in a flood plain that need to be protected under the no loss of wetlands provisions of both the city of San Diego and the city of Chula Vista MSCP sub area plans.

The preferred plan for West Fairfield designating low density, low- rise commercial or educational job creating development with the express purpose of protecting the Wildlife Refuge is noted and applauded. We would prefer to see a specified buffer size of 500 feet or more instead of “as appropriate” and will pursue this issue in project EIR’s.

The south side of the Otay River has very visible housing coming down to the edge of the river. There needs to be some assurance that the same thing will not happen on the north side. Surely houses can be kept up away from the river and hidden from view. This was not done with the commercial and industrial development, but the city now has a chance to do things the right way.

We are concerned that the wildlife corridors are not large enough to allow for the safe movement of wildlife between Salt Creek Canyon, Wolf Canyon, Pogue Canyon, Mother Miguel Mountain and the Otay River. There are places where the corridor is quite narrow, other places where it is alongside a busy road, and there is no safe crossing of Olympic Parkway. The pedestrians are going to have an overpass, but the wildlife have nothing. Salt Creek as previously mentioned has a community park in its canyon right across from a swimming pool and pond in a development. An animal would have to walk in the creek itself to pass this area. There appears to be planned development on the north side of Wolf Canyon between the canyon and the remnants

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X-21 This comment addresses the proposed project itself and does not reflect on the adequacy of the EIR. This comment will be forwarded to the decision makers for their consideration.

X-22 The recirculated dEIR concluded that a significant land use impact would occur from application of residential land use designation to a portion of Wolf Canyon as proposed by Scenario 2 (EIR page 157). This impact would be significant because a boundary adjustment is required prior to the adoption of the designation of residential use in this area, and since that determination has not yet been made, specific mitigation is unavailable at this time. The impacts to land use as a result of Scenario 2 remain significant and unmitigated.

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X-24 The recirculated dEIR concluded that significant impacts to nearby wildlife in the San Diego Wildlife Refuge would result from development within the West Fairfield District under the Preferred Plan and all three Scenarios. The designation of existing land uses for more intensive development adjacent to the Wildlife Refuge is a significant impact because more intensive land uses could affect sensitive species (Section 5.1.3 of the dEIR). Mitigation Measure 5.1-2 listed below was developed to reduce these impacts to below a level of significance.

5.1-2 At the time projects are proposed within the West Fairfield District, a detailed land use assessment shall be performed showing, to the satisfaction of the Environmental Review Coordinator, that the proposed project is compatible with adjacent land uses. Any development adjacent to the San Diego Wildlife Refuge shall adhere to the land use adjacency guidelines defined in the Chula Vista Subarea Plan, Section 7.5.2. These include, but are not limited to: sufficient buffers and design features, barriers (rocks/boulders, signage, and appropriate vegetation) where necessary, lighting directed away from the refuge, and berms or walls adjacent to commercial areas and any other use that may introduce noises that could impact or interfere with wildlife utilization.

The city should not permit any plant listed as invasive by the City of San Diego, University of California Cooperative Extension, California Invasive Plant Council, California Department of Food and Agriculture, and the California Native Plant Society to be planted anywhere in any new project in the city. Currently every open space “preserve area” is infested with Tamarisk, Arundo, Pampas Grass and other plants that often can be traced to near by homes or upstream areas. Education is what the MSCP calls for, but it obviously has not been implemented in existing developments. Ordinances, CCRs and deed restrictions need to be used in new developments, and the city needs to follow through with homeowners in existing developments. The city is also guilty of potentially causing infestation of open space with its planting of ornamental grasses along Auto Park Way. These grasses produce abundant seeds carried by wind and birds. Native grasses should have been planted here. In fact the city should be a good role model and tear them all out and replace them with appropriate native grasses.

The scenario that would allow the filling in of a part of Wolf Canyon is not consistent with the promise of long-term preservation in the MSCP. Also some of the grading practices are questionable along Wolf Canyon. One wonders if the result might not be the landslides suffered in Oceanside due to expansive clay soils.

In Salt Creek Canyon a golf course and a community park have been allowed to intrude upon the canyon. Non-native plants have been planted around over views. This is not consistent with the major revegetation of the area after the sewer lines were put in.

The suggestion to put the Wolf Canyon sewer line under the road is much preferable than using the canyon and has the potential to preserve more of its biological resources than was done at Salt Creek. The lower part of Salt Creek goes through the land designated for the University. There need to be very strict guidelines to protect this part of the creek from further destruction. Alta Road must not cross the canyon as previously agreed and no commercial recreation should occur at its mouth in the OVRP. There also need to be concrete guidelines insuring the preservation of the fragile and rare alkaline riparian nature of Salt Creek. The MSCP does not deal with this.

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X-25 The recirculated dEIR concluded that for Scenarios 1, 2, and 3, significant impacts to neighborhood community character have been identified due to redesignation of land uses in the Montgomery Subarea from open space to an industrial designation on lands adjacent to protected habitat within the City’s MSCP Preserve in the area south of Faivre Street, east of Broadway, and north of the Otay River Valley (Section 5.1.3 of the dEIR). Development with industrial uses south of Main Street would otherwise be consistent with existing nearby and adjacent industrial and retail uses to the north and would not physically divide or adversely affect the community. However, future industrial use adjacent to protected habitat is a significant impact and requires mitigation. Mitigation Measure 5.1-1 listed below was developed to reduce these impacts to below a level of significance.

5.1-1 To mitigate the impacts of establishing planned industrial uses along the Otay River Valley, future projects for this area shall be evaluated and required to incorporate sufficient buffers, source water protection devices, setbacks, and design features to avoid edge effects to sensitive biological resources to the satisfaction of the Environmental Review Coordinator.

X-26 This comment addresses the proposed project itself and does not reflect on the adequacy of the EIR. This comment will be forwarded to the decision makers for their consideration.

X-25

X-26

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of Pogue Canyon. Pogue Canyon itself has been so fragmented by the ill- advised placement of the road on its floor that its habitat value is highly questionable. Aggressive steps need to be taken to ensure that ten years from now Pogue will not look like Telegraph Canyon—a sea of non-native invasive plants with more concrete than natural channels.

X-27 The large areas of active recreation east of Heritage Road in the OVRP will likely act as a barrier to wildlife movement in the river. The area closest to Salt Creek is not now accessible by road. The addition of roads and parking lots will greatly degrade the adjoining habitat. This would be a good location for a nature center to interpret the significant cultural resources in the area, but not for commercial type recreation.


X-28 Present conditions in “preserve” areas illustrate that the MSCP has been less than totally effective in preserving habitat for species. More stringent regulations need to be incorporated in the FEIR to insure the protection of the lands to be added to open space preserve area. Examples might be: regulations that forbid invasive non-native plants anywhere within 1000 feet of natural areas, requiring hard lined buffers around habitat areas, the enlargement of wildlife corridors, their sheltering from human encroachment with appropriate native plantings, and the reduction of impermeable surfaces. (The trails along many of the roads are a good example of this.)

X-29 **Community Character and Quality of Life:** The GPU causes unmitigatable negative impacts. The EIR should do an analysis of the effects of substituting in western Chula Vista assessment districts and developer’s fees as in eastern Chula Vista for the protection of the Cummings Initiative. Even though zoning is an implementation item the fact that Table 5-4 is included in the GPU make this analysis necessary here. The implications of this table are that the new residential categories will allow for multiple zoning that would not be reachable if the two-year increments of the Cummings Initiative were in force. This would have extreme effects upon the character of communities within the western part of the city.

X-30 **Otay Ranch GDP:** It is not clear if the amendments shown in the plan have already been adopted or not. Construction has continued throughout the GPU process. There is some concern that the mandated number of acres for parks for several villages is achievable only by counting a community park several villages away. This seems like double counting. The villages were supposed to have neighborhood parks and a community park that they shared. Now several villages have an inadequate amount of acreage within the village. The purpose of this threshold was to insure that children had a park within a half-mile of their home that they could bike or walk to. Counting acreage in a community park means that they will most likely be driven there for games and activities. What happened to idea of walkable, pedestrian oriented villages? With minimum densities some of these villages are like small cities.

X-31 **Conclusion:** After examining the GPU and the DEIR we would urge a reduction in density to mitigate some of the “unmitigatable” effects and restore some of the quality of life to residents. The analysis of the Community Character Alternative still is not adequate. If in addition to reducing building heights the alternative also reduced densities one notch everywhere we believe there would be a corresponding reduction in unmitigatable effects. Community Character would be improved and the biological resources would have greater protection.

Thank-you for your consideration of our comments,


Ellen Shively
Conservation Chair, Sierra Club, San Diego Chapter

X-27 This comment addresses the proposed project itself and does not reflect on the adequacy of the EIR. This comment will be forwarded to the decision makers for their consideration.

X-28 The Subarea Plan addresses regulations such as FESA, CESA, the state Fish and Game Code, and Section 404 of the Clean Water Act. The Subarea Plan also contains adjacency guidelines to direct development adjacent to the preserve. Compliance with Objective EE 1 and Policy EE 1.1 of the General Plan Update would ensure that impacts to sensitive biological resources resulting from development associated with the General Plan Update would be avoided because the policies in the proposed plan ensure conservation of core biological resource areas and associated habitat linkages. In addition, implementation of the Subarea Plan would contribute significant conservation outside Chula Vista Subarea within the Chula Vista MSCP Planning Area in the unincorporated County of San Diego MHPA.

X-29 The Cummings Initiative establishes a two year pacing mechanism on how frequently a residential zoning category can be elevated to the next higher density. The land use policies in the General Plan Update establishes the long range vision and does not interfere with the application of the Cummings Initiative. Further, as called for in the Cummings Initiative a “Public Facilities and Services” element is included in the General Plan. The protection of adequate facilities and services is accommodated through the City’s Growth Management Program that has established quality of life threshold standards.

The Cummings initiative is applied to zoning activities. There are no rezones proposed as part of the current project. As such the Cummings initiative does not apply to a General Plan amendment.

X-30 The comment raises concerns about the consistency between the GPU and the Otay Ranch GDP and adequacy of parkland in the Otay Ranch master planned community. Concurrent amendments to the Otay Ranch GDP are being processed with the General Plan Update to make the GDP consistent with the GPU. The Otay Ranch GDP requires that 3 acres of parkland per 1,000 residents be provided in the Otay Ranch. This obligation has been divided between 7-acre minimum neighborhood parks in each village with the balance being provided in the 70-acre community park in Village Four. The master planning for the community park is underway and construction is schedule to start in 2008.

X-31 This comment addresses the Community Character Alternative. It does not give specifics as to why the Community Character Alternative analysis is not adequate. Comment noted.